

This month's Daf Digest is dedicated In loving memory of
שרגא פיינול דוד בן קמואל
The Abramowitz family

OVERVIEW of the Daf

1) Confirmed for today (cont.)

Rabbah, following a logical sequence, presents additional related inquiries.

An unsuccessful attempt is made to resolve Rabbah's final inquiry.

2) MISHNAH: The Mishnah presents the halachos of a case where the husband or father of the na'arah who is an arusah dies. This leads the Mishnah to present circumstances when the husband has a stronger position than the father and other circumstances when the father has a stronger position than the husband.

3) When the father dies

The Gemara inquires after the rationale for the Mishnah's ruling that when the father dies the husband does not take over his rights.

A pasuk is cited as the source for this halacha.

The Gemara inquires after the rationale for the Mishnah's ruling that when the husband dies the father does take over his rights.

An exposition from a pasuk is cited as the source for this ruling.

(Continued on page 2)

REVIEW and Remember

1. What is the halacha when a woman declares that she will be a nezirah and her husband responds "and me"?
2. What is the source that the father's rights do not transfer to the husband?
3. Does an אורס have the right to annul his ארוסה's vow if she is a בוגרת?
4. How long is a בוגרת given to prepare for her wedding?

Distinctive INSIGHT

The power of the father after the death of the fiancé
מה הבעל נתרוקנה רשות לאב

The Mishnah teaches that after the death of the ארוס, the father assumes the power of the fiancé in annulling the oath of the woman. The way to understand this is discussed among the Achronim.

Some say that the father adopts the power of the husband, and that he can now act in his stead. This seems to be, in fact, the approach of some of the Rishonim in our chapter, as they use an expression saying "the father inherits the position of the husband." Obviously, this is not a genuine case of inheritance, but the point is that while the husband was still alive, he and the father had joint powers to nullify the oath of the girl. Now that the husband died, the father adopts full control, as if the extended powers have come from the husband.

A different approach is that with the death of the husband, the father is the surviving party who has power to nullify the oath of his daughter. He no longer needs the input of the husband, who has died, and the father can act due to his own, independent position.

Still others explain that when the fiancé dies, the girl returns completely to the house of her father, and it is the position of the father to nullify the oaths of his daughter just as before she was ever engaged. The only thing is that logically, we would say that this is the case only in reference to oath that will be made from now and onward. However, any oath which was stated by the girl before her fiancé died cannot be annulled by the father alone. We might think that oaths made while the fiancé was still alive have a status of קודמין, oaths that were in effect before the woman entered into the current domain. The rule is that a husband cannot nullify oaths made by the woman before she was engaged, and in this case we might have thought that the father cannot have exclusive rights to nullify the oath made while the fiancé was alive. The ruling of the Mishnah is, however, that the father indeed has full control to nullify this oath. ■

HALACHAH Highlight

The language necessary to confirm a vow

הריני נזירה ושמע בעלה ואמר ואני אין יכול להפר

[If a woman declared,] "I am a nezirah." And her husband heard and declared, "And me" he is no longer able to annul her vow

In order for a father or husband to confirm a vow it is not necessary to use a specific language of confirmation; rather it is sufficient to use language which conveys the sense that there is intention to confirm the vow¹. For example, if the father was to say, "It is established for you," or, "You have vowed well," or, "Yes, as you said," or, "Had you not taken this vow on your own I would have imposed the vow upon you," he has successfully confirmed the vow and it becomes fully binding. It is not even necessary for the husband or father to directly address the vow, as long as they indicate approval of the vow it is sufficient. Thus we find in our Gemara that when a married woman makes a declaration to be a nezirah and the husband heard her declaration and responded, "ואני— And me" he loses his right to subsequently annul the vow. The reason, the Gemara explains, is that when the husband declares "ואני— And me" it is understood as if he is declaring that her vow should be confirmed even though he did not even address the vow in his statement.

Ran² notes that there is a contrast between the annulling of a vow and the confirmation of a vow. When it comes to annulling a vow there is a greater requirement to be ex-

This exposition is unsuccessfully challenged.

(Overview. Continued from page 1)

4) Clarifying the Mishnah

The Gemara seeks clarification regarding the circumstances where the Mishnah declares that the husband has a stronger position than the father.

One of the possible explanations leads to a problem that there are two Mishnayos teaching the same halacha.

Two possible resolutions to this matter are presented. ■

placit than there is for confirming a vow. The reason is that when it comes to confirming a vow even if the husband or father confirms the vow in his heart³ it is sufficient; consequently these different phrases that indicate confirmation should certainly not be worse than a non-verbal confirmation. An annulment, on the other hand, can not be done in one's heart⁴, therefore, when one verbally expresses an annulment it must be done in an explicit manner. Rosh⁵ explains that since a vow could be confirmed even by remaining silent on the day that he became aware of the vow it is logical that the language should not be specific either. ■

1. שו"ע יו"ד סי' רל"ד סע' ל"ז
2. ע' ר"ן ע"ז: סוד"ה תנאי האומר
3. שו"ע יו"ד סי' רל"ד סע' מ"א
4. שו"ע יו"ד שם
5. רא"ש פ"י סי' ט' ■

STORIES Off the Daf

The daughter's vow

ואת"ל הא לא אמר לה

On today's daf the precise parameters of orally annulling a vow are discussed.

One of the daughters of Rav Shlomo Zalman Auerbach, zt"l, recounted that that when she turned eleven, the age when her nedarim began to take effect, her father drew her aside for a private conversation. He spent some time explaining to her the importance of guarding her speech, since she was already at an age where her nedarim

can be valid. In this, as with every aspect of chinuch, Rav Shlomo Zalman demonstrated his absolute commitment to train his children to take care to fulfill their obligations כחמורה.

Someone close to him once related, "Rav Shlomo Zalman Auerbach, zt"l, ברוך שפטרני מענשו made the blessing when he made a bar mitzvah with the שם and מלכות, not in accordance with the opinion of the Ramah in Darkei Moshe. However, for most people who approached him with the question of what they should do at their own son's bar mitzvah, he would rule that they follow the ruling of the Ramah.

When someone pointed out this

apparent discrepancy, Rav Shlomo Zalman explained, "Although the Gra and many others say that one should make this blessing, this is only if one has made every effort to educate one's child properly. If a person is not certain whether or not he has fulfilled his chinuch obligations, he cannot use the שם and מלכות because it just might constitute a ברכה לבטלה. One who has not done his chinuch duty by his child is responsible for the child's sins even after bar mitzvah. How, then, could he fully recite the blessing, 'who freed me from this one's punishment,' when the account for his child's sins is still upon him?" ■