

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

OVERVIEW of the Daf

1) Clarifying R' Eliezer's position (cont.)

The attempt is rejected to resolve, from a Baraisa, the inquiry of whether R' Eliezer maintains that the vow does not take effect or the vow takes effect but is immediately revoked, since one can deduce the opposite conclusion from the end of the same Baraisa.

Another Baraisa is cited that proves that according to R' Eliezer if a husband pre-annuls his wife's vows they do not take effect at all.

2) Clarifying Rabanan's position

The Gemara wonders why Rabanan disagree when they seem to accept the kal v'chomer of R' Eliezer.

The Gemara explains why in this context Rabanan do not use the kal v'chomer.

3) **MISHNAH:** The Mishnah rules that a father and husband may only revoke a vow on the day that it is made and the ramifications of this regarding Shabbos are explained.

4) How long does one have to revoke a vow?

A Baraisa is cited that presents a dispute whether a vow can be revoked only for the remainder of the day or whether one has twenty-four hours to revoke the vow.

The source for Tanna Kamma's position, that one can only revoke the vow for the remainder of the day, is identi-

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REVIEW and Remember

- How does one make tamei seeds tahor?

- How do we know that a father may not sell his daughter who is a נערה?

- How long does one have to revoke a vow?

- Explain the dispute between Tanna Kamma versus R' Yosi the son of R' Yehudah and R' Elazar the son of R' Shimon.

Distinctive INSIGHT

How is the period of a day counted?

הפרת נדריים כל היום, רבי יוסי ברבי יהודה ורבי אלעזר ברבי שמעון אמרו מעת לעת

The Mishnah teaches that nullifying a neder may be done for a day. We find a dispute between Rebbe Yose b"r Yehuda and Rebbe Elazar b"r Shimon whether the time for the father or husband to nullify the oath is until the end of that particular day, or whether the time allowed is a full twenty four hours from when the neder was heard. The Yerushalmi (10:8) notes a practical difference between these two approaches in defining the time period of **יום שמעו**. The case is where the father, for example, became stricken during that day and was unable to speak. Later that day, he recovered and was again able to speak. According to the opinion that the deadline is until the end of the day the neder was heard, the father may still nullify the neder until the end of that day. However, according to Rebbe Yose b"r Yehuda and Rebbe Elazar b"r Shimon who hold that the father must be given a full twenty four hours to respond, the hours during which he was incapacitated do not count toward the twenty-four hour allotment. When the father recovers and is now able to speak, the clock, which had been stopped, now commences its countdown from where it left off. According to this, let us consider a case where the father heard the neder at the beginning of the night, and he became stricken and unable to speak late the next day, a moment before sundown. If he recovers later that night, the opinion which gives him until the end of the day would say that it is now too late. The opinion that gives him twenty four hours to respond would now allow him a few more moments to react, corresponding to the moments he lost at the end of the day.

Rosh writes (see 72a) that the Bavli holds that time lost due to his inability to react even due to **אונס** is not subtracted, and the clock continues to count down. Meiri here explains the Gemara according to the approach of the Yerushalmi, and it seems that he holds that this is the halacha. ■

Today's Daf Digest is dedicated by Dr. & Mrs. Phillip Zaret
in memory of their father
Mr. Seymour Socol
ר' זיסל בן ר' אברהם אבא ע"ה

Today's Daf Digest is dedicated
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In memory of their father and grandfather
ר' אברהם אריה בן ר' שמואל ע"ה

HALACHAH Highlight

The duration of יום שמעו

נדרה בלילי שבת יפר בלילי שבת וביום השבת עד שתחשך

If she made a vow Friday night he can revoke that vow the night of Shabbos and during Shabbos day until it gets dark

Although the Gemara presents a dispute whether a father/ husband has until the end of the day or a full twenty-four hours from the time he heard the vow to revoke his daughter/wife's vow, Shulchan Aruch¹ rules in accordance with the statement of the Gemara that halacha does not follow the opinion which gives twenty-four hours. Although Rosh² mentions that in the text of some earlier authorities it said that halacha follows the opinion that allows twenty-four hours, nonetheless, it is appropriate to follow the strict opinions who only allow until the end of the day. The opinion, found in the Mishnah, which maintains that the father/ husband has until the end of the day to revoke the vow gives the following case as an example. If a daughter/wife vows on Friday night, the father/husband has until dark on Shabbos to revoke that vow. The reason the Mishnah gives this example, explain the commentators, is to teach that regarding vows the day follows the night. According to Rashi³ this is based on the verse, "ויהי ערב ויהי בוקר"—And it was night and it was day.

Tosafos Chadashim⁴ cites earlier commentators who explain that since "konam" is a Korban-related term one may have thought that vows should follow the pattern of korbanos where the night follows the day, consequently, it is necessary to teach that vows do not follow that pattern. The reason vows

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fied.

The reasoning for the other Tannaim who disagree and maintain that the husband or father have twenty-four hours to revoke a vow is explained.

The Gemara explains how each position explains the verse cited by the other.

R' Shimon ben Pazi and R' Yehoshua ben Levi rule that one has only the remainder of that day to revoke a vow.

A related incident is recorded.

5) The annulment of a vow by a Torah scholar

The Gemara describes the laid-back attitude Chiya bar Rav and Rabbah bar R' Huna had regarding the practice of annulling vows. ■

do not follow the pattern of korbanos is that vows are equated with oaths (שבועות) and oaths are not associated with korbanos at all. Therefore, since oaths follow the pattern of the day following the night, vows will also follow that same pattern. Chasam Sofer⁵ suggests that the phrase מיום אל יום—from day to day—could have been misinterpreted to mean from amud hashachar to amud hashachar therefore the Mishnah taught that vows follow the pattern of Shabbos where day follows the night. The reason the "day" of vows are not set by amud hashachar is that the parsha of vows is juxtaposed to the parsha of the Yomim Tovim. Therefore, the day of vows will follow the "day" of Yomim Tovim where the day follows the night. ■

1. שו"ע יו"ד סי' רל"ד סע' כ"א
2. פירוש הרא"ש ד"ה אין הלכה
3. רש"י ד"ה נדרה בלילי שבת
4. תוספות חדשים למשניות פ"י מ"ח
5. חידושי חת"ס למס' שבת קנ"ז ■

STORIES Off the Daf

The doubtful annulment

תניא הפרת נדרים כל היום

Once, a woman made a vow in front of her husband. Although he annulled it, the time was unfortunately during בין השמשות. Since the husband must annul the vow on the day he hears it whether he heard it a minute or twenty-three hours before the day ends, it was not clear whether the annulment had taken effect. Perhaps the vow had been made during the day while the annulment took place at night? Of course it is possible that the annulment was effected during

the same day as the vow (if it was still day during both vow and annulment, or if both were at night.) However, since nedarim are d'Oraisah, a questionable annulment is not enough.

This question was decided by the famous Rabbi Akiva Eiger, zt"l. "It seems likely that his annulment took effect. Since he couldn't annul it any earlier, how else could it possibly be annulled? "However, if the husband waited longer than "תוך כדי דיבור"—perhaps we should consider the possibility that the vow was made by day and the annulment was made by night, which is halachically the next day. We can no longer apply the reasoning of 'when could he have annulled?' He could have annulled immedi-

ately following the vow!

Rabbi Akiva Eiger continued, "But if he waited, perhaps we can still say it's permitted since there is a double safek in our case. The first is that maybe both her vow and the annulment were during the day. The second is that even if the annulment was made when it was already night, perhaps the vow was also said at night? Although we usually don't say a ספק ספיקא regarding something which can become permitted in a different way and in our case a chacham can annul, it is still not a דבר שיש לו מתירין. Why not? Because a husband annuls even without the wife's agreement; a chacham needs the wife's agreement!" ■