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Mishna

In the case of a betrothed naarah (a girl who becomes an adult but is not yet a bogeres – generally one who is between the ages of 12 and 12 ½), her father and her husband jointly revoke her vows. [This is different than a married woman, where it is the husband solely who can revoke her vows.] If her father revoked her vow but her husband did not, or if her husband revoked the vow but her father did not, the vow is not revoked. And it is not necessary to say (that this is certainly the case) if one of them upheld the vow (that it is not revoked). (66b4 – 67a1)

The Novelty of the Mishna

The *Gemora* asks: The second case is the same as the first case of the *Mishna* that says that her father and husband need to revoke her vows!?

The *Gemora* answers: One might have thought that the first statement of the *Mishna* meant that either the father or her husband can revoke the vow (but it is not necessary for both of them to); the second part

of the *Mishna* therefore teaches us [that both are needed for the vow to be revoked]. (67a1)

The *Mishna* had stated: And it is not necessary to say (that this is certainly the case) if one of them upheld the vow (that it is not revoked).

The *Gemora* asks: Why did the *Mishna* bother to say that (is this not obvious)? Not that it can be said (as the first part of the *Mishna* clearly stated) that if one of them revoked the vow without the other, the revocation is nothing at all, then is it necessary to teach that if one of them upheld the vow (that the revocation of the other is ineffective)?

The *Gemora* answers: The necessity of this statement is for the following case: where, for example, one of them revoked the vow and one of them upheld it, and then the one who upheld the vow asked for (and received) annulment of his upholding. One might have thought as follows: that which he upheld he uprooted (and now if he revokes the vow it would combine with the revoking of the other, and the vow would be revoked). The *Mishna* therefore teaches us that both parties must revoke the vow at the same time. [Ra”n – There can be no

interruption between one and the other of the sort that would interfere with the revoking, such as this one's upholding. For since at that time, the other one wasn't able to revoke, his first revoking was void, and now they need to both revoke at the same time. That, however, would be sufficient. We do not say that there is no revoking after revoking, and since the first revoking was void, he is not able to revoke again. That is not so.

This is the opinion of the Ramban, z"l. But from the words of the Rambam, z"l, it would seem that whenever an upholding takes effect between the revoking of one and the revoking of the other, they cannot revoke any longer. However, "at the same time" is not meant literally. Even if one revoked in the morning and the other in the evening it is sufficient, as long as nothing that would interfere with the revoking interrupted between them.] (67a1)

The Source of Husband and Father

The Mishna had stated: In the case of a betrothed naarah, her father and her husband jointly revoke her vows.

The *Gemora* asks: How do we know that both her husband and father are required to revoke the vow?

Rabbah answers: This is derived from the verse: *And if she will be (married) to a man and her vows are upon her*. This teaches us that regarding a betrothed

naarah, her father and her husband jointly revoke her vows. [Ra"n – It seems to me that this is what the *Gemora* is saying: Since there is a different verse for a nesuah (fully married): *if in the house of her husband she made a vow*, as it explains shortly, of necessity, this one must be referring to an arusah (betrothed woman), for what point would there be for two verses for a nesuah? And since it has been established to be referring to an arusah, of necessity we must say that that the word "and" indicates that this is added to what was written above: *and God will forgive her, because her father restrained her*; after which it is written: *and if on the day of the hearing of her husband he restrains her*, which means that her father and her husband revoke her vows. It is consistent that this be referring to an arusah, for since an arusah has not yet left the jurisdiction of her father, it is logical that the arus not be able to revoke her vows alone.]

The *Gemora* asks: Why don't we say that the verse is referring to a nesuah (and not an arusah)?

The *Gemora* answers: If it is referring to a nesuah (it would be superfluous), as there is already a different verse: *But if she made a vow in her husband's house*.

The *Gemora* asks: But perhaps let us say that both verses are referring to a nesuah? And if you will counter that there is no need for two verses referencing a nesuah, it is possible to answer that (there is a need, and) it is to teach us that a husband

cannot revoke “prior vows” (vows that his wife made before they were married)?

The *Gemora* answers: But isn't it (that a nesuah's husband can revoke her vows) automatically learned out (from the exposition that he cannot revoke her vows from before the marriage, and consequently, the other verse would be extra to teach the laws of an arusah).

Alternatively, the *Gemora* answers: The verse's terminology of 'being' – 'havayah' (hayo sihyeh l'ish – “being she shall be to a man”) implies merely with kiddushin (and not marriage).

The *Gemora* asks: Let us say that the father's revoking is sufficient by itself!? [The Ra"n explains that the verse referring to the husband of the arusah would be teaching only that he can uphold her neder, but he cannot revoke her neder at all.]

The *Gemora* answers: If so, what would be the necessity of the following verse: *And she established a prohibition in her father's house her father restrained her?* [This verse teaches us that a father may revoke the vows of his single daughter.] Now, if we say – that even when there is an arus, the father is empowered to revoke the vow (of his betrothed daughter) by himself, would it be necessary to state that he can revoke the vows of his single daughter?

The *Gemora* asks: But let us say that the father needs the husband (in collaboration) to revoke the vow, but the arus can revoke her vows by himself? And if you will say: why then did the Torah mention the father at all (for the “and” in the verse teaches us that he may revoke her vows); it would be necessary to teach us that if he upholds the vow it is upheld (even if the husband tries to revoke it).

The *Gemora* answers: If so, of what necessity did the Torah write the following verse: *If she vowed in her husband's house* (which teaches us that the husband revokes the vows of his nesuah)? Could this not have been derived through a kal vachomer? If in the case of a father (where she is an arusah and her father has jurisdiction over her), the arus is empowered to revoke her vows by himself, so when there is no father (as she is a nesuah, and the father has no jurisdiction over her), would it be necessary to state that he (the husband) can revoke the vows by himself?

The *Gemora* asks: But perhaps the verse, *and if she vowed in her husband's house*, is coming to teach us that the husband (of a nesuah) cannot revoke her prior vows (those that she made before the nisuin)?

The *Gemora* answers: From this itself (that the husband of a nesuah cannot revoke her vows that she made prior the nisuin) we may derive (that an arus can revoke the vows of his arusah only in collaboration with her father); for an arus can revoke her prior vows. [Now, how can this be? If a husband,



who has sole jurisdiction over her cannot revoke her prior vows, how can an arus, who does not have jurisdiction over her, be empowered to revoke her prior vows?] It must be that he does so in conjunction with the father. (67a2 – 67b2)

INSIGHTS TO THE DAF

Father Revoking by Himself

The Rambam holds that a father has the right to revoke all types of his daughter's *nedarim*. The husband, however, can only revoke a *neder* of personal affliction, and only those that affect their marital relationship. The Ra"n and the Rosh disagree and hold that the father may only revoke her *nedarim* that are of personal affliction, and only those matters that are between him and her.

The Keren Orah poses the following question: The *halacha* is that the father and the husband revoke the *nedarim* of a betrothed *na'arah*. According to the Rambam, who maintains that the father can revoke all types of *nedarim*, what is the *halacha* if his daughter is a betrothed *na'arah* and she pronounces such a vow? Do we say that the father has a right to revoke this *neder* by himself? Or, perhaps, the *halacha* is that the father may only revoke *nedarim* in partnership with her husband, and since her husband cannot revoke such a *neder*, the father cannot revoke it either?

Reb Shlomo Zalman Auerbach wonders further: This inquiry can be posed according to the Ra"n and the Rosh as well. If the girl makes a *neder* that is a "matter that is between her father and her," but it does not affect the husband. For example, she said that she will not assist her father. Do we say that the father can revoke this *neder* by himself, or do we say that he can only revoke *nedarim* together with her husband, and since her husband cannot revoke this *neder*, the father cannot revoke it either?

The Meiri writes that the Rambam would concede that the father does not have the ability to revoke the *neder* of his betrothed daughter by himself. His rights to revoke his daughter's *neder* are only in partnership with her husband, and if the husband cannot revoke the *neder*, since it is not a *neder* that affects him, the father cannot revoke it either.