



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Mishna

One who says to his wife, “All *nedarim* which you will make until I come back from Such-and-such a place shall be confirmed,” he has said nothing (*for these nedarim are not in existence yet*). If, however, he said, “they shall be revoked,” Rabbi Eliezer said: They are revoked. The *Chachamim* say: They are not revoked. Rabbi Eliezer said: If he can revoke her *nedarim* that have already become prohibited, shouldn’t he be able to revoke her *nedarim* that have not yet become prohibited? They responded to him: It is written: *Her husband shall confirm her vow and her husband shall revoke it*. Any vow that can be confirmed can also be revoked; however, if the *neder* cannot be confirmed, it cannot be revoked either. (75a)

Do her Nedarim Take Effect at all?

The *Gemora* inquires: According to Rabbi Eliezer, do her *nedarim* take effect, and then, they are immediately revoked, or perhaps, they do not take effect at all?

The *Gemora* asks: What is the practical halachic difference between the two?

The *Gemora* answers: The difference would be in the following case: Someone else linked their *neder* to hers. If you will say that her *neder* took effect, then this would be a legitimate linkage. If, however, her *neder*

never took effect, this *neder* would have no validity. What is the *halacha*?

Ra”n Elucidated

[*For instance, if she made a neder to be a nezirah, and someone else said, “And I am like her.” If her neder took effect, and only afterwards were revoked, the other person will become a nazir. For even though he revokes it immediately, her neder did take effect. If her neder does not take effect at all, it is regarded as if there is no substance at all, and therefore, the other person’s neder will not be valid.*]

The *Gemora* attempts to resolve this inquiry from our *Mishna*: Rabbi Eliezer said: If he can revoke her *nedarim* that have already become prohibited, shouldn’t he be able to revoke her *nedarim* that have not yet become prohibited? Evidently, her *neder* does not take effect at all.

The *Gemora* deflects the proof: We can understand the *Mishna* to mean that her *nedarim* did not take effect yet, but they eventually will.

The *Gemora* attempts to resolve this inquiry from the following *braisa*: Rabbi Eliezer said to them: One cannot annul his own vows after he made them, but he can annul them before they are made (*by saying: Any neder that I will make in the future shall be null*); so regarding his wife’s *nedarim*, where he may revoke

them after she made them, shouldn't he certainly be permitted to revoke them before they are made? Now, isn't he saying that his wife's *nedarim* are similar to his own? Just as his *nedarim* do not take effect at all (*when he revokes them in advance*), so too, her *nedarim* should not take effect.

The *Gemora* answers: No! Each case is at it is.

The *Gemora* attempts to resolve this inquiry from the following *braisa*: They said to Rabbi Eliezer: If a *mikvah*, which raises those that were *tamei* from their *tumah* (*and renders them tahor*), but cannot prevent a *tahor* from becoming *tamei* (*if he touches a sheretz while in a mikvah, he will become tamei*); so, a person, who cannot raise those things that are *tamei* from their *tumah* (*if he swallows a ring that is tamei and then regurgitates it, it will remain tamei*), certainly the *halacha* should be that a person cannot prevent something that is *tahor* from becoming *tamei* (*if he swallows a ring that is tahor and enters a room that contains a corpse, the ring will become tamei*). (Now, even though we have proven from a *mikvah* that removing *tumah* is easier to do than preventing *tumah*, nevertheless, a person cannot remove *tumah*, but, he can prevent *tumah*, for the *halacha* is that the swallowed ring remains *tahor*. This indicates that the two cases cannot be compared. If so, the *Chachamim* disagreed with Rabbi Eliezer's logic, and say that although that it is easier to annul one's own vows in advance more than annulling them afterwards, it may be different regarding his wife's vows. The husband may be able to revoke his wife's vows after she made them, but there is no proof that he can revoke them before she makes them.) It is evident (*from the comparison to a person preventing the item from contacting tumah*) that her *nedarim* do not take effect at all.

The *Gemora* rejects this proof: Let us look at the last part of the *braisa*: They said to Rabbi Eliezer: If we can render a *tamei* utensil *tahor* by immersing it in the *mikvah*, shouldn't we be able to immerse a *tahor* utensil in a *mikvah* so that if it becomes *tamei* later, it will automatically be rendered *tahor*! (*Obviously, he would not agree with such a logic, and therefore, he shouldn't apply a similar logic allowing the husband to revoke her nedarim in advance.*) From here we see that her *nedarim* do take effect (*and it is only afterwards that they are revoked*).

They said: The *Chachamim* were uncertain as to what Rabbi Eliezer's opinion was, and they said the following to him: What do you hold? If you hold that her *nedarim* take effect, and only afterwards, are they revoked, then, we will challenge you with the case of the utensil! And if you hold that her *nedarim* do not take effect at all, then, we will challenge you with the case of *mikvah*. (*Ultimately, there is no proof from this braisa regarding our inquiry.*) (75a – 76a)

[We use the sefer "The Commentary of Rabbenu Nissim on Nedarim" from Rabbi Nathan Bushwick extensively to assist us in preparing the "Elucidation of the Ra"n." The sefer, written in English is available for sale by writing to: Rabbi Nathan Bushwick 901 Madison Ave. Scranton, Pa 18510-1019. The cost is \$25.00.]

INSIGHTS TO THE DAF

Is a Fetus a "Swallowed Item"?

The following *halacha* is derived from our *Gemora*: If a person swallows a *tahor* ring and subsequently enters a room containing a corpse, the ring does not contract

tumah. This is based on a *Gemora* in Chulin (71b), which states that a “swallowed item” does not contract *tumah*.

The Minchas Chinuch (263:3) asks the following question: How can Rabbi Akiva in Chulin (72a) rule that a fetus inside of its mother’s womb can Biblically contract *tumah*? Shouldn’t the fetus be regarded as a “swallowed item,” and therefore, be shielded by the mother’s body from becoming *tamei*?

He answers that the fetus is considered like a thigh of its mother and therefore is rendered *tamei* just like any other one of the mother’s limbs.

The Magen Avraham (O”C 343:2) cites the Rokeach as saying the following: Concerning a pregnant wife of a *Kohen*, she is permitted to enter into a room that contains a corpse (*even though the baby might be a male and cannot become tamei*). The rationale is based upon a “double doubt.” Perhaps she will miscarry, and even if she will not, perhaps the child will be a female, not a male!

The Magen Avraham asks: Why is this logic necessary? It should be permitted because the fetus can be regarded as a “swallowed item,” and hence, cannot become *tamei*?

Reb Elchonon Wasserman in Koveitz Shiurim (2:41) answers: A *Kohen* is forbidden from entering into a room that contains *tumah* (regardless of becoming *tamei*). A “swallowed item,” although it does not become *tamei*, it is nevertheless, considered as if it is inside the room. Therefore, the principle of a “swallowed item” will not permit her to enter the room.

According to the Minchas Chinuch, we can answer that the fetus is not regarded as a “swallowed item,” and therefore will not be a reason to permit her to enter.

DAILY MASHAL

Even after the Dead

Once, after R' Moshe Feinstein ZT"L was called to the Torah for an Aliyah, he was followed by a bochur in the Yeshiva, who was called for the next Aliyah. R' Moshe noticed that the bochur had a skin discoloration on his hand, and mentioned to the bochur that it appeared to him to be a form of Tzaraas. "Did you perhaps speak some Lashon hora lately?" the Rosh hayeshiva asked. The bochur, who was always very careful not to speak Lashon Hora, replied negatively. When prompted to reconsider, the bochur concentrated for a moment, and then confirmed his earlier finding - he hadn't spoken Lashon hora. "Perhaps you said some Lashon hora about someone who was dead," R' Moshe persisted. To this, the bochur admitted his guilt. He had criticized the two daughters of Lot, who in his opinion, had improperly named their sons Moav and Ben Ami. "This is why you have this Tzaraas", R' Moshe explained. "It is not your concern to speak this way about the daughters of Lot. Accept upon yourself to do Teshuvah and your Tzaraas will go away". The bochur did so and was soon healed, without any medicines or medical treatment. R' Moshe explained at that time, that Lot's daughters had given such names to make it clear who their father was, so that no one would claim, as the Christians did many years later, that they had been conceived immaculately.