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Do her Nedarim Take Effect at all?

The *Gemora* (above) had inquired: 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* attempts to resolve this inquiry from the following *braisa*: Rabbi Eliezer said to them: If one would sow *tamei* seeds into the soil, they are rendered *tahor*, isn't it logical to assume that seeds which are already planted should remain *tahor* (even if they come into contact with *tumah*; this *kal vachomer* is the only source for this *halacha*; Rabbi Eliezer was proving to them that they should agree to his *kal vachomer*; if the husband has the ability to revoke her *nedarim* afterwards, he certainly should have the authority to revoke them before they are made). This proves that her *nedarim* do not take effect at all. (For in the case of the *tamei* seeds, the *tumah* does not have any effect on them, for if it would, by what would it go away? And since Rabbi Eliezer compared this case to *nedarim*, it proves that her *nedarim* do not take effect at all.) (76a)

The Chachamim's Opinion

The *Gemora* asks on the *Chachamim's* opinion: And do they not expound the same *kal vachomer*? But we

learned in a *braisa*: One might have thought that a man may sell his daughter (for a *maidservant*) when she is a *na'arah*: But you can argue the following *kal vachomer*: If she, who was already sold goes free (when she becomes a *na'arah*), is it not logical that if she is not sold yet, she cannot be sold now! (It should follow that the *Chachamim* would hold that if the husband can revoke her *nedarim* that have already taken effect (similar to the going free when she becomes a *na'arah*), he should certainly be able to revoke her *nedarim* that have not yet taken effect (similar to the girl not being sold when she becomes a *na'arah*.)

The *Gemora* answers: Yes, it is true that the *Chachamim* expound this type of *kal vachomer*, but here it is different because it is written explicitly: *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. (76a – 76b)

Mishna

The revoking of her *nedarim* can be performed the entire day. This can be a leniency and a stringency. How is this? If she made a *neder* on Friday night, he may revoke it Friday night and *Shabbos* day until it gets dark (*nightfall*). If, however, she made a *neder*



right before it got dark, he may revoke it as long as it is not yet dark. If it got dark and he did not yet revoke it, he may not revoke it any longer. (76b)

Scriptural Sources

The *Gemora* cites a *braisa*: The revoking of her *nedarim* can be performed the entire day. Rabbi Yosi the son of Rabbi Yehudah and Rabbi Elozar the son of Rabbi Shimon say: They (*her husband and father*) have twenty-four hours (*from the moment her neder was heard*) to revoke it.

The *Gemora* asks: What is the *Tanna Kamma's* reason? It is because the Torah states: *On the day that he heard it*. The Rabbis derive from the verse *from day to day* that they have twenty-four hours to revoke it.

The *Tanna Kamma* derives from that verse that he may revoke her vows during the night. The Rabbis learn from the verse *on the day that he heard it* that it must be revoked on that day, and they do not have a full week to revoke it.

Rabbi Shimon ben Pazi said in the name of Rabbi Yehoshua ben Levi: The *halacha* is not in accordance with that pair.

Levi once wished to rule in accordance with these Tannaim; whereupon Rav said to him: My uncle, Rabbi Chiya said: The *halacha* is not in accordance with that pair. (76b)

Annulling a Vow

Chiya the son of Rav used to shoot arrows and at the same time examine a person who desired an annulment of his *neder*. (*As he was shooting, he asked him whether he regretted it and he released him, because he maintained that regret for making the neder is sufficient grounds to annul the neder; he didn't need to investigate if he had a proper opening.*)

Rabbah bar Rav Huna would sit down or stand up. (*He wasn't particular about it. Whichever position he happened to be in, he would remain and annul the neder.*) (76b)

INSIGHTS TO THE DAF

Leniency

The *Mishna* had stated: The revoking of her *nedarim* can be performed the entire day. This can be a leniency and a stringency. How is this? If she made a *neder* on Friday night, he may revoke it Friday night and *Shabbos* day until it gets dark (*nightfall*). If, however, she made a *neder* right before it got dark, he may revoke it as long as it is not yet dark. If it got dark and he did not yet revoke it, he may not revoke it any longer.

The Ra"n explains: It is not literally a leniency, because a *neder* may never be revoked after twenty-four hours. The *Mishna* merely means that sometimes the *neder* can be revoked for a long time and sometimes it will be for only a short amount of

time. This is because you have until nightfall. If the *halacha* would be that the *neder* may be revoked until twenty-four hours, the amount of time would always be the same.

The Reshash asks: The *Mishna* could have said the following leniency: Her *nedarim* may be revoked on *Shabbos*, even if their revocation is not necessary for *Shabbos*! This is allowed, for otherwise, the time for revoking would pass. If the *halacha* would be that the *neder* may be revoked until twenty-four hours, he would be required to wait until after *Shabbos* to revoke it!

The Shalmei Nedarim answers that this is not regarded as a leniency, for even if we would maintain that the *neder* may be revoked until twenty-four hours, he would still be permitted to revoke her *neder* on *Shabbos* (even if their revocation is not necessary for *Shabbos*) if the twenty-four hour period would conclude on *Shabbos*.

DAILY MASHAL

Emunas Chachamim

Concerning one who made a vow, the Torah states that "he may not desecrate his word." The Gemara (Chagiga 10a) deduces that he may not desecrate his word but others may desecrate it for him. This refers to the concept that under certain circumstances, a Rabbi has the ability to annul someone's vow. The Sefer Darkei Mussar points out that we see from here the greatness of the Chachamim's power. Not only in monetary matters are they given the ability to

relinquish ownership of assets from one to another as they see fit (according to Halacha), but even concerning Issurim (prohibitions) they have the power to annul a prohibition that one has accepted upon himself. The Kli Yakar equates the reason that a Chacham can annul one's vow to the reason that a father or husband can annul the vow of a daughter or wife. A daughter or wife are under the father's or husband's jurisdiction concerning many Halachos, and therefore anything they do with respect to those Halachos must be done with the full consent of the father or husband. It is therefore considered as if the daughter or wife vowed with the explicit condition that the father or husband agree to the vow. If they do disagree, the vow is then considered as if it were never made. The same applies to any member of Klal Yisrael, as we are all under the jurisdiction of the Rabbis. Any vow we make is considered as if we vowed conditional to the agreement of the Rabbis. Therefore if later a Rabbi decides to annul the vow, it is considered as if it was never made to begin with. The desire of the Torah is for each person to keep a close relationship with the Rabbis, and his Emunas Chachamim (faith in the Rabbis) should be so strong that everything he does should be with the intention that he only wants his acts to stand if the Rabbis agree. Emunas Chachamim is one of the 48 attributes that are necessary to acquire Torah (Avos 6:6).

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