

Daf Notes is currently being dedicated to the neshamot of

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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

The *Mishna* states: The verse says, “*And the vows of a widow or divorcee.... should remain on her.*” What is the case? If a widow or divorcee says that she will be a nazir after thirty days, even if she marries with *nisuin* within thirty days, her new husband cannot revoke the vow.

If a woman makes a *neder* while she is her husband’s jurisdiction, he may revoke it. What is the case? If she says that she will be a nazir after thirty days, and the husband revokes the vow, the *neder* is revoked even if she becomes a widow or gets divorced within thirty days.

If she made a *neder* on the day she got married, and the husband divorced her and remarried her on that same day, he cannot revoke the vow. This is the rule: Once she enters into her own jurisdiction for even one moment, the husband cannot revoke her vows. (88b – 89a)

Which Time do we Consider?

The *Gemora* cites a *braisa*: If a widow or divorcee says that she will be a nazir after thirty days, and then she marries with *nisuin*, Rabbi Yishmael says: Her new husband may revoke the vow (*we look at when the vow goes into effect*). Rabbi Akiva says: He cannot revoke the vow (*we look at the time that she made the vow*).

[The mnemonic for this is: *y’l’l’y*. [*y’ – yafer – he may revoke; l’ – lo yafer – he cannot revoke* (these are the two rulings of the previous *braisa*); *l’ – lo yafer – he cannot*

revoke; *y’ – yafer – he may revoke* (these are the two rulings of the following *braisa*).]

If a married woman says that she will be a *nazir* when she gets divorced, and then she gets divorced, Rabbi Yishmael says: Her new husband cannot revoke the vow (*we look at when the vow goes into effect*). Rabbi Akiva says: He may revoke the vow (*we look at the time that she made the vow*).

Rabbi Yishmael said: Behold, it (Scripture) says: *And the vows of a widow or divorcee.... [should remain on her]*. This would indicate (that the husband is empowered to revoke her vows) - unless the vow took effect during widowhood or after divorce.

Rabbi Akiva, however, holds: Behold, it (Scripture) says: *Anything she prohibited upon herself.... [should remain on her]*. This would indicate (that the husband is empowered to revoke her vows) - unless the prohibition of the vow is pronounced during widowhood or after divorce (before this marriage). (89a)

Rav Chisda said: Our *Mishna* (*which stated if a widow or divorcee says that she will be a nazir after thirty days, even if she marries with nisuin within thirty days, her new husband cannot revoke the vow*) seems to be in accordance with Rabbi Akiva (*who holds that we look at the time that she made the vow*).

Abaye said: The *Mishna* can also be in accordance with Rabbi Akiva. In the *Mishna*, her condition was based upon



a certain number of days, whereas the *braisa* is discussing a case where her condition was based upon marriage.

The Ra"n Elucidated

[It is only when she made it dependent upon marriage or divorce that Rabbi Yishmael says it depends upon the time that the neder takes effect. Since it is impossible for the making of the neder and the taking effect of the neder to be in the same jurisdiction, Rabbi Yishmael holds that it depends upon the time that the neder takes effect. But in the Mishna, where she only made the neder dependent upon days, it is possible for the days to be completed and she not yet be married, or for the days to be completed and she not yet be divorced. It would emerge that the making of the neder and its taking effect were in one jurisdiction. In that case, even if the jurisdiction is changed, that she did get married or divorced, Rabbi Yishmael agrees that it depends upon the time of the making of the neder and not the time it took effect. This is because at the beginning, when it was made, it was possible for the neder to take effect in the same jurisdiction that it was in at the time it was made.] (89a)

This is the Rule

A *Mishna* above (71a) stated: This is the rule: As long as she did not enter into her own domain for any amount of time, her father and current husband can revoke any vows. That rule includes a case where the father went with the husband's agents, or the father's agents went with the husband's agents. In a case where she is a betrothed *na'arah*, her father and her husband may revoke her vows.

In our *Mishna*, when it says, "This is the rule" (*once she enters into her own jurisdiction for even one moment, the husband cannot revoke her vows*), it is coming to include a case where the father gave her over to the husband's agents, or the father's agents gave her over to the

husband's agents. From this point and on, the husband may not revoke any of his wife's prior vows.

The Ra"n Elucidated

*[For once she was given over to them, her father no longer has any jurisdiction over her, because this handing over is regarded like *nisuin*. The husband may revoke *nedarim* that she makes from this time on, but with respect to her prior *nedarim*, he may not revoke them. He cannot revoke them in conjunction with her father either, because she has left her father's jurisdiction, and he no longer has any rights over her.] (89a)*

Mishna

There are nine *na'aros* whose *nedarim* remain: 1) A *bogeres* who is an orphan; 2) a *na'arah*, and became of age, and is an orphan; 3) a *na'arah* who did not come of age, and is an orphan. 4) A *bogeres*, and her father died; 5) a *na'arah* who became a *bogeres*, and her father died; 6) a *na'arah* who did not become a *bogeres* and her father died. 7) A *na'arah* whose father died, and after her father died she became a *bogeres*; 8) a *bogeres* whose father is alive; 9) a *na'arah* who became a *bogeres* and her father is alive. (*Once she leaves her father's jurisdiction, he may not revoke her vows any longer. There are three general ways in which the daughter leaves her father's authority: 1. marriage - the father of a girl who entered *nisuin* has no further authority over her, and if she became widowed or was divorced, she is under her own authority. She is referred to as "an orphan during her father's lifetime," for she is, so to speak, an orphan, even though her father is alive; the *Mishna's* first three cases involve an orphan during her father's lifetime." " 2. the death of the father - for a girl who becomes an actual orphan obviously is under her own authority; the *Mishna's* second set of three cases involve an actual orphan. 3. *bagrus* (adulthood) - after the girl becomes a *bogeret* (i.e., she reached the age of twelve and a half years and a day, and showed signs of puberty), even if her father is alive, she leaves his*

authority; the Mishna's last three cases all involve a bogeres. Since these three - an orphan during her father's lifetime, an actual orphan, and a bogeres - are under their own authority, their vows are valid, but they cannot be revoked.)

Rabbi Yehudah says, Also if a person marries off his minor daughter, and she became a widow, or was divorced and she returned to him while she still is a *na'arah*. (89a – 89b)

Nine or Three

Rav Yehudah said in the name of Rav: These are the words of Rabbi Yehudah, but the *Chachamim* say that there are three *na'aros* whose *nedarim* remain. They are: 1) A bogeres; 2) an orphan; 3) an orphan in her father's lifetime. (89b)

Mishna

If she said, "*Konam*, that I will not derive any pleasure from my father or from your father if I do anything for you," or if she said, "*Konam*, that I will not derive any pleasure from you if I do anything for my father or for your father," the husband can revoke them. (89b)

Before it Takes Effect

The *Gemora* cites a *braisa*: "*Konam*, that I will not derive any pleasure from my father or from your father if I do anything for you," Rabbi Nassan says: He cannot revoke the *neder* (since it has not taken effect yet). The *Chachamim* say: He may revoke it.

If she says, "I am removed from all Jews if I cohabit with you," Rabbi Nassan says: He cannot revoke the *neder* (since it has not taken effect yet). The *Chachamim* say: He may revoke it. (89b)

DAILY MASHAL

The Man and the Servant

In our *Mishna*, when it says, "This is the rule" (once she enters into her own jurisdiction for even one moment, the husband cannot revoke her vows), it is coming to include a case where the father gave her over to the husband's agents, or the father's agents gave her over to the husband's agents. From this point and on, the husband may not revoke any of his wife's prior vows. For once she was given over to them, her father no longer has any jurisdiction over her, because this handing over is regarded like *nisuin*. The husband may revoke *nedarim* that she makes from this time on, but with respect to her prior *nedarim*, he may not revoke them. He cannot revoke them in conjunction with her father either, because she has left her father's jurisdiction, and he no longer has any rights over her.

Based upon this principle, the *Pardes Yosef* explains the following verse [Breishis 24:61]: *And Rivkah and her maidens arose and rode on the camels, and they followed the man; and the servant took Rivkah and left. Why was Eliezer first referred to as "the man," and afterwards, "the servant"?*

We can answer as follows: As long as Rivkah was under the jurisdiction of her father, although Eliezer was the servant of Yitzchak, because Avraham gave over all his possessions to him, nevertheless, he was not the servant of Rivkah. Therefore, Eliezer (with respect to Rivkah) was called, "the man." However, after Rivkah's maidens, who were Lavan's agents, handed her over to Eliezer, she entered into the jurisdiction of Yitzchak, for her father gave her over to the husband's agent (*Eliezer*). Once she entered into her husband's authority, Eliezer now became her servant, and therefore, the Torah refers to him as "the servant."