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Annulment for Confirmation and Revocation

Rava inquires: Is there such a thing as an annulment for a confirmation, or not?

The Ra”n Elucidated

[If the father or the husband confirmed the neder and asked on that same day that the confirmation should be annulled, can it be annulled (similar to a neder)? It is obvious that it cannot be annulled on the following day, for it has no less effect than remaining quiet.]

Rava continues: And if you will conclude that there can be an annulment for a confirmation, is there such a thing as an annulment for a revocation, or not?

The Ra”n Elucidated

[This question is applicable even though revocation is not similar to a neder. This is because confirmation and revocation are connected to each other by a hekesh. Perhaps the connection serves to extend the principal of annulment to revocation, just like it applies by confirmation.]

The Gemora resolves the inquiry from that which Rabbi Yochanan said: There is annulment for a confirmation, but there is no annulment for a revocation. (69a1)

Two Confirmations and One Annulment

Rabbah inquires: If the father or the husband said, “Confirmed for you, confirmed for you,” and afterwards, he received annulment on the first confirmation, what is the *halachah*?

The Ra”n Elucidated

[Do we say that since at the time that he uttered the second confirmation it had no effect, it will never take effect? Or perhaps, even though at that time it did not take effect, that is only because the first confirmation was in effect, and there was no reason for the second one to be effective; but once the first confirmation was annulled, the second one can now take effect?]

The Gemora resolves this inquiry from that which Rava said (regarding the Mishnah which stated that if someone makes two consecutive oaths that he will not eat something and he eats it, he has transgressed one prohibition): If the person asked for the first oath to be annulled (and it was), the second one now takes effect. (69a2)

Confirmation and Revocation with a Stipulation

Rabbah inquired: If the father or the husband said, “Confirmed for you and revoked for you, but the

confirmation should only take effect if the revocation takes effect,” what is the *halachah*?

The Ra”n Elucidated

[According to Rabbah, it is obvious that the confirmation does not take effect. For one way or the other, it cannot take effect: For even though later the Gemora had a doubt about a case where he said, “It is confirmed for you for an hour” and “It is revoked for you for an hour,” whether they take effect or not, there it is different, because he set a limit to the confirmation and the revocation. But here, where he did not set any limit, it is obvious that if the revocation is effective, the confirmation is not. And if you say the revocation does not take effect, it follows that the confirmation does not take effect either, since he made a stipulation that the confirmation would not take effect unless the revocation did.

It was therefore obvious to Rabbah that the confirmation did not take effect. But it is about the revocation that he had a doubt. Do we say that since he first said, “It is confirmed for you”, and after that, he said, “it is revoked for you,” it implies that he made a stipulation that the revocation take effect after the confirmation, and that the revocation would not take effect unless the confirmation preceded it? And the reason he made a stipulation, “the confirmation will not take effect the revocation does,” and he did not also make a stipulation the other way, “the revocation will not take effect unless the confirmation does,” is that, since he said “it is confirmed for you” before “it is revoked for you,” he relied upon his language that the confirmation will take effect, because he mentioned it first and there was nothing to prevent it. And on the contrary, it was because he was concerned that the confirmation would take effect so much that it would

not leave room for the revocation that he made a stipulation that the confirmation not take effect unless the revocation did. It is therefore as if he made a stipulation on both of them that the confirmation take effect first and afterwards the revocation.

Or perhaps, even though he said, “it is revoked for you after it is confirmed for you,” he did not do it because he meant the revocation to take place after the confirmation, but because it is impossible to utter two words at once. However, it was the revocation that this person was concerned would take effect, for behold, he said that he didn’t wasn’t the confirmation to take effect unless the revocation did, and his intention was that they take effect simultaneously. However, since he was more concerned that the revocation take effect than the confirmation, he stipulated about the effectiveness of the confirmation preventing the effectiveness of the revocation, by which he showed that his intention was that the confirmation not take effect. But even if the effectiveness of the revocation would prevent the effectiveness of the confirmation, he didn’t stipulate that the revocation would not take effect. Therefore the revocation takes effect and the confirmation does not.]

The Gemora attempts to resolve the inquiry from the following argument between Rabbi Meir and Rabbi Yosi in a *Mishnah*: One who says, “This animal is an exchange for an *olah*, an exchange for a *shelamim* (known as *temurah*, literally meaning exchange; when an animal is exchanged for an offering, both animal now have sanctity),” Rabbi Meir maintains that the animal becomes an exchange for an *olah* (we only concern ourselves with his first statement, which was “an exchange for an *olah*”). Rabbi Yosi holds that if he intended to make both declarations, and the reason why he said one before the other was because he

couldn't state both statements simultaneously, his words are valid (*and the animal is regarded as an olah and a shelamim; it must be sent out to pasture until it gets a blemish*). And even Rabbi Meir only ruled in this manner because he didn't say, "This one should not take effect unless the other one takes effect." However, here, where he said, "The confirmation should only take effect if the revocation takes effect," Rabbi Meir would concede that the revocation takes effect (*since it is evident that that is his main concern*). (69a2 – 69b1)

Confirmation and Revocation Simultaneously

Rabbah inquires: If the father or the husband said, "It shall be confirmed and revoked for you simultaneously," what is the *halachah*? (*They obviously cannot both take effect, but perhaps, we must act stringently that the neder is confirmed.*)

The *Gemora* resolves this from that which Rabbah said elsewhere: Any two things that are not able to take effect one after the other (*i.e. making a kiddushin with two sisters at the same time*) cannot take effect simultaneously (*and therefore, neither takes effect*). (69b1 – 69b2)

Inquiries

Rabbah inquired: If the father or the husband said, "It shall be confirmed for you today," what is the *halachah*? Do we say that it is as if he said, "It shall be revoked for you tomorrow" (*in which case the neder would be confirmed for today only, but revoked from the next day onward; the Gemora will discuss this later*)? Or perhaps, we shall say that he didn't explicitly say that (*and therefore, there is no revocation*)?

He inquires further: If we would conclude that he didn't explicitly say that, what would the *halachah* be if he said, "It shall be revoked for you tomorrow"? Do we say that he cannot revoke the *neder* then, for he already confirmed it today? Or perhaps, since he did not explicitly say to her that it is confirmed today, when he tells her that it shall be revoked tomorrow, he actually means that it shall be revoked today?

And if we would conclude that it is regarded as if he confirmed it today and therefore cannot revoke it the next day, what would the *halachah* be in the following case: He said, "It shall be confirmed for you for an hour," what is the *halachah*? Do we say that it should be regarded as if he said, "It shall be revoked after an hour" (*and the neder will be revoked, since he has the entire day to exercising his right of revocation*)? Or perhaps, he didn't explicitly say that to her (*and therefore, the neder is confirmed*)?

And if we would conclude that the *neder* is confirmed because he didn't explicitly say, "It shall be revoked after an hour," what would the *halachah* be if he did explicitly say that (*"It shall be confirmed for you for an hour and it shall be revoked after an hour"*)? Do we say that once the *neder* has been confirmed, it cannot be revoked? Or perhaps, since he has the entire day to confirm or revoke the *neder*, when he said that it shall be revoked after an hour, it should be valid?

The *Gemora* attempts to resolve this last inquiry from the following *Mishnah*: If a woman says, "Behold, I am a *nazir*," and upon hearing this, her husband said, "and I," he cannot revoke her *nezirus* (*for his statement of "and I" is in effect, a confirmation of her neder, for if she is not a nazir, he can't be either*). The *Gemora* asks: But why is this so? Perhaps when he said, "and I," he was rendering himself a *nazir*, but in respect to her

neder, he was confirming it for an hour (which would be sufficient enough for him to link his *neder* to hers), and afterwards, he may revoke it! Why does the *Mishnah* rule that he cannot revoke her *nezirus*? Is it not because once he confirmed it, he cannot revoke it any longer?

The *Gemora* rejects the proof: The *Tanna* holds that when he said, “and I,” it is as if he is confirming it forever. (69b2 – 70a2)

INSIGHTS TO THE DAF

A Quiet Confirmation

Rava inquires: Is there such a thing as an annulment for a confirmation, or not?

The Ra”n explains: If the father or the husband confirmed the *neder* and asked on that same day that the confirmation should be annulled, can it be annulled (similar to a *neder*)? It is obvious that it cannot be annulled on the following day, for it has no less effect than remaining quiet.

It is evident from the Ra”n here and he says so explicitly in *Kesuvos* that there is certainly no annulment if he had remained quiet.

The *Reshah* asks: What is the distinction? If he can annul a spoken-out confirmation, why can’t he annul a confirmation that came about because he remained quiet (which is regarded automatically as a confirmation)?

The *Steipler Gaon* answers: An annulment is only possible on an action performed by a person; however,

remaining quiet, although that is deemed a confirmation, is not an action that can be annulled.

DAILY MASHAL

Reb Akiva Eiger inquires: What would be the halachah if a woman would make a vow *bein hashemashos* (at a time after sunset, when there is a doubt if it is still day or is it night already, and therefore the next day); can the husband revoke such a vow? Perhaps immediately after she vowed it became night and then it is the next day; accordingly, he would not be able to revoke it, for it does not fulfill the requirement of ‘*beyom shamo*’ – ‘the day that he heard it.’

He writes: Nevertheless, if it is ‘*toch kidei dibbur*’ – ‘within the time of utterance,’ he is able to revoke it, for he had no opportunity beforehand.

Accordingly, the *Megilas Sefer* explains the verse: And if her husband shall be silent about her from day to day, he will have confirmed all her vows. ‘from day to day’ sounds like two days – but the halachah is that he has a right to revoke her vow only on the day that he heard it, not two days! The Torah is hinting that there is a possibility to revoke it on the next day, and that is in the case where she made the vow *bein hashemashos*.