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Nedarim Daf 86

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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

Consecrating her Hands

Rav Huna the son of Rabbi Yehoshua said: The case of our *Mishna* must be where she said, “Let my hands (*that perform my work*) be consecrated to the One Who made them,” for her hands are in existence (and the vow is therefore effective upon her future earnings, and the husband must therefore revoke the vow).

The *Gemora* asks: If she says this, is the work consecrated? But her hands are obligated to work for her husband (therefore, the husband owns the right to her hands, and the vow cannot be effective at this time)!

The *Gemora* answers: She said that her hands shall be consecrated when she is divorced.

The *Gemora* asks: Now, however, she is not divorced! So from where do you know that if she says this it is effective? [According to the one who holds that one cannot consecrate something that is not yet in existence, he cannot consecrate something that it should take effect when it comes into existence either!]

Rabbi Il’ai answers: Why not? If someone says to his friend, “The field I am now selling you should become consecrated when I buy it back from you,” isn’t it valid? [The consecration of the field is valid, for at the time of the vow he owns the field – even though he loses ownership in the interim. In the case of the woman, although she does not own the right to her earnings, she

does own her actual hands, and that strength should allow the vow to be effective!]

Rabbi Yirmiyah asked him: The cases are incomparable!? There (in the case of the field), he currently has the ability to consecrate it; here (in the case of the woman), she has no power to divorce herself (and therefore, she has no ability to consecrate her earnings now while she is still married to take effect upon her divorce, for it is regarded as something which is not yet in existence)!! It is comparable only to the case of a person who says to his friend, “This field that I have already sold you should become consecrated when I buy it back from you,” where the ruling would (obviously) be that it is not consecrated!

Rav Pappa told Rabbi Yirmiyah: Your comparison is inaccurate! There (in Rabbi Yirmiyah’s case of the field), both the field and its fruit (which will be produced) are currently in the hands of the buyer (and therefore, the consecrator has no power whatsoever to consecrate it); here, however (in the case of the woman), at least her body (*hands*) are in her possession (although the husband has a right to her earnings)!! It is comparable only to the case of a person who says to his friend, “This field that I have pledged to you (which he has as a security for a loan, and he is allowed to eat the fruits of the field in the meantime) should become consecrated when I redeem it from you,” where the ruling would be that it is consecrated!

Rav Shisha the son of Rav Idi told Rav Pappa that his comparison was inaccurate: There (in Rav Pappa’s case of

the pledged field), he (the borrower) has the ability to redeem the field (*by paying back the loan, and therefore, he may consecrate it now for when he redeems it!*)! Here (in the case of a married woman), she has no power to divorce herself (and therefore, she has no ability to consecrate her earnings now while she is still married to take effect upon her divorce, for it is regarded as something which is not yet in existence)!? It is comparable only to the case of a person who says to his friend, "This field that I have pledged to you for a ten-year period should become consecrated when I redeem it from you," where the ruling would be that it is consecrated!

Rav Ashi told Rav Shisha that his comparison was inaccurate: There (in Rav Shisha's case of the field pledged for ten years), he (the borrower) at least has the power to redeem the field after ten years, whereas here (by the married woman), she has no power to divorce herself (and therefore, she has no ability to consecrate her earnings now while she is still married to take effect upon her divorce, for it is regarded as something which is not yet in existence)!?

Rav Ashi therefore gave a different answer: Aren't we discussing konamos (a vow forbidding benefit from her future earnings as a divorcee)? Konamos are different, as they inherently consecrate (*not just monetary sanctity; the difference being that something which is inherently sanctified, such as a korban, cannot be redeemed, and accordingly, something which is sanctified through a konam has inherent sanctity and cannot be redeemed*). And this follows Rava's principle, for Rava said: Consecration (*of an animal to the altar*), becoming prohibited as chametz and the freeing of slaves can release an *apotiki* from the lien of a creditor. (*A person may designate any type of property as security to the creditor without placing it in the possession of the creditor. The creditor has a lien on this property, and if the debt is not otherwise repaid, the creditor can collect his debt from the security. This security is called an apotiki.*)

Rava teaches us that there are three instances where the lien can be revoked or cancelled, and the creditor must be reimbursed through other means. If an animal designated as an apotiki was consecrated for a korban, the consecration is effective and the lien is revoked. If the object designated as an apotiki to a gentile was chametz and Pesach arrived while the Jew still had possession, it becomes forbidden for any Jew to derive benefit from the chametz, and he is obligated to destroy it; the lien from the chametz is dissolved. If the apotiki is a slave and the owner frees the slave, the emancipation is effective, and the slave becomes a free man. One cannot have a monetary right on a Jewish man and therefore the lien is cancelled.)

The Gemora asks: If this is true, let her hands be consecrated now (*during the marriage*)!

The Gemora answers: The *Mishna* should be emended to read, "and furthermore, perhaps he will divorce her." [The Sages strengthened the indebtedness of a wife to her husband in order that her hands should not be consecrated from now.]

The Ra"n Elucidated

[Her earnings become consecrated immediately, because hekdesh frees it from the obligation to the husband. And if you say that the Rabbis strengthened the rights of the husband as long as she is married to him, making him into a complete owner, rather than like a creditor, even so, he may revoke her neder in case he will divorce her. That is what the Gemora in Kesuvos means.

And if one would object that if the Rabbis strengthened the rights of the husband that it not take effect now, the problem is back! For since it cannot take effect now, how can it take effect later, since now, nonetheless, she is not divorced? It can be answered that since by law it really

does take effect, were it not that the Rabbis had strengthened his rights, they only strengthened them to the extent that while she is married to him it does not take effect, but if she becomes divorced, it is as if it had taken effect from the beginning, since by law it was fit to take effect.] (85b – 86b)

Mishna

If his wife made a *neder* and he thought that his daughter had made the *neder*, or if his daughter had made a *neder* and he thought that his wife had made the *neder*, or if she made a *neder* to become a *nazir* and he thought that she had made a *neder* to bring a *korban*, or if she made a *neder* to bring a *korban* and he thought that she had made a *neder* to become a *nazir*, or she made a *neder* to abstain from figs and he thought she had made a *neder* abstaining from grapes, or if she made a *neder* to abstain from grapes and he thought she had made a *neder* abstaining from figs, he must revoke the *neder* again. (86b)

INSIGHTS TO THE DAF

Keeping her Earnings for Herself

Rav Shisha the son of Rav Idi told Rav Papa that his comparison was inaccurate. In Rav Papa's case of the field, the person had the ability all along to redeem the field (*by paying back the loan*)! In the case of a married woman, she has no ability to obtain her divorce (*it is up to the husband*)!

The explanation is as follows: Since he can redeem the field and then consecrate it, it is not regarded as something which is not yet in existence. Therefore, he can consecrate it now for when he redeems it. However, in the case of the married woman, she does not have it in her power to become divorced, and therefore, making a

neder to take effect after she becomes divorced is regarded as an act involving something which is not yet in existence.

The Rishonim ask that the *halacha* is in accordance to Rav Huna that a woman can keep her earnings for herself by declaring that she desires not to be supported by her husband. If so, why can't she consecrate her earnings, for she does not need to be divorced to acquire the rights to her earnings?

The Ra"n answers: A woman who refuses to be supported is still required to perform the household chores, such as grinding, baking and laundering. Rabbi Yochanan ben Nuri was discussing these chores that the husband will find it impossible to avoid benefiting from if he would remarry her after divorcing her. This is why he should revoke her *neder*.

The Ramban answers: Although Rav Huna says that a woman has the right to regain her rights to her earnings, as long as she does not exercise this right, her hands are obligated to work for her husband and her earnings cannot be consecrated. This would be comparable to the case where one sold a field to his fellow with a stipulation that he could nullify the sale. Even though he has the right to nullify it, as long as he doesn't exercise that right, the field belongs to the other fellow and the seller cannot consecrate the field.

The Tosfos HaRosh answers that it is extremely uncommon for a woman to elect not to be supported by her husband and keep her earnings for herself. Since it is highly unlikely for her to exercise this right, it is not regarded as being in her power to keep her earnings for herself.



DAILY MASHAL

Mistaken Identity

Most of the Torah was either told directly to the children of Israel or it was said to the Kohanim. The early commentaries themselves were bothered why the passages dealing with vows were told specifically to the Heads of the tribes.

The Chasam Sofer offers the following answer: The leaders of the nation had a special need to be aware of these laws. The Chasam Sofer quotes the story of the Judge Yiftach, who in haste made a vow to offer as a Korban to G-d the first thing that came to greet him when he returned victoriously from battle. The first thing that came to greet him was his daughter.

The Medrash in Bereishis Rabbah asks: Why didn't Yiftach go to Pinchas, the grandson of Aharon HaKohen, and have his vow "permitted" through the vehicle of "Hataras Nedarim"? The Medrash answers that Pinchas was waiting for Yiftach to come to him (he being the "Gadol haDor") and Yiftach was waiting for Pinchas to come to him (he being the chief political and military officer in the country). While each was trying to protect the honor of his own position, the life of the daughter was lost.

The Medrash says that both Yiftach and Pinchas were punished for this:

Yiftach lost his life in a terrible disease where limbs started falling off one by one and Pinchas lost his ability to receive Ruach HaKodesh. The Chasam Sofer says that perhaps this is why the Torah was particularly concerned that the leaders be extremely careful and well versed in the laws of Nedarim.

Rabbi Frand notes that two observations may be made from this teaching:

1. We cannot project our own petty middos on people of the stature of Pinchas and Yiftach. Although the Medrash does say that in this situation they were punished for their actions, we must never confuse our own petty shortcomings with those of people who were "Unimaginably great leaders."
2. Many times, we see people do things because their personal honor was slighted. They do these things even though doing so is clearly to the detriment of both them and their own families. It is not unheard of for a person to sacrifice his own welfare or the welfare of his children on the altar of his ego. When a person's honor is affected, he can literally let his own children die.

We as human beings have a passion for kavod. The older we get, the more we have a tendency to be particular about our honor. A person needs an independent opinion to turn to -- be it his Rebbe, his Rav, his Rosh Yeshiva, or his good friend -- who can open his eyes to his own blindness regarding matters of Kavod. Only an independent opinion can help prevent a person from leading himself to self-destructive action or inaction.