

This week's newsletter is dedicated in memory of Sarah Liba bas R' Osher A"H

INSIGHTS FROM OUR CHABUROS

הפר האב ולא הפר הבועל, הפר הבועל ולא הפר האב אינו מופר

When a woman's oath is not nullified

The Mishnah discusses a case where the father nullified the neder of his daughter, but the husband did not. In this case, the oath is not nullified. The Mishnah explains that the case is where the husband did not actually verify the neder, but it is where he was silent *לעת מפרש*. This is also clearly the opinion of Rosh, who explains that if either the husband or father nullified the neder of the woman, but the other did not nullify it for twenty four hours, nothing can be done. Rosh asks that if, for example, we are dealing where the husband was quiet for a full day after the father nullified the oath, the husband's silence is considered a confirmation of the oath, as we find in the verse (Bamidbar 30:15): "If her husband is silent for a day, he has sustained the oath." If the case is where the silence was for twenty-four hours, as Rosh explains, what would be the purpose of the Mishnah's last example of the oath being sustained where the husband actually confirmed it?

Would it not be obvious that direct confirmation of the oath would be as strong or stronger than a day's silence? Therefore, Rosh explains that the case is not where a full day of silence has transpired. The message of the Mishnah is that the woman's oath is not nullified merely with the nullification of the husband or father alone, and silence by the second one leaves the situation unresolved. Shiurei Rebbe Dovid Povarski addresses the question of Rosh. There are, in fact, two types of confirmation. One is where the oath becomes valid by not being challenged for twenty four hours. At this point, the oath becomes official on its own, and it can no longer be nullified. The other validation is where the husband or father strengthens the oath by directly confirming it. Although silence for a full day is a form of confirmation of the oath, this is still not as strong as a confirmation of the husband where he directly states that the oath shall be valid (*וכוקם לנו*).

The Mishnah's lesson is that the nullification of one of the parties is insignificant where the other was silent for a full day, as this is, in effect, a confirmation. And it goes without saying that if the second one actively confirmed the oath that the nullification of the first one is meaningless.

PARSHA CONNECTION

In this week's daf the Gemara discusses the partnership between a young woman's father and husband with respect to her *בדרכם*. The *פרשה* starts with the story of *משה רבנו* meeting his father-in-law, who brought his wife and children to meet him in the *מדבר*. *וישמע יתרו כהן מדיין חתן משה אלקיים למשה ולישראל* (Shmot Parshah 1) says:

עמו כיהוץיא ה' את-ישראל מצריבים. The *תורה* calls him *יתרו* which is the name that he acquired after he was *מגיר*, so why is he called *יתרו* here before he converted? Second, right after he is elevated with the name *יתרו* he is called *כהן מדיין* which is not complimentary. The *אלישיך קדוש* explains that there is an important lesson here for those who want to succeed in their *עבודת ה'*. The first step is to "listen" which here means to think about what you hear. Many people heard about *צייתת מצרים* but very few internalized what they heard and came to join. Second, one should get close to *צדיקים* because they will help a person get closer to *הקב"ה*. This is why the *תורה* writes *וישמע יתרו*, to indicate that his "listening" earned him the name *יתרו*. In addition although he was a *כהן מדיין* his association with *משה* helped him get close to *ישראל*. So calling him *יתרו* is complementary because it shows that even though he was attached to *עבודת זרה* he succeeded in breaking away, because he became close to *משה רבנו*.

STORIES OF THE DAF

A husband's agreement

מהו דעתם מאי דאoki הא עקריה

Acertain woman once made a vow, and since her husband had also wanted to avoid the thing from which she vowed to refrain, he his approval with a hearty, "Amen." Since the husband wasn't very learned, he was unaware that his saying "amen" meant that he would not be able to annul her vow if he so wished. What he knew about the subject was what he had seen in his parents' home, that a man may annul his wife's vow by saying "mufar lach" three times on the day he heard of her vow.

So this husband followed his father's example and attempted to cancel his wife's neder by approaching her that very day and saying three times, "Mufar lach, it is annulled to you. The next day, not thinking that anything out of the ordinary had happened, the couple mentioned what had happened to a few friends. One of them said, "I think that your 'amen' is considered a clear affirmation of your wife's neder, which would mean that your 'mufar lach' later on meant nothing. Why don't you go to a Rav to annul your affirmation?" The hapless man followed his friend's suggestion. After the annulment, the man said to the Rav, "I am so relieved that my friend suggested that I come; now my hafarah of yesterday will take effect." The Rav was taken aback and explained that he wasn't sure it had. After getting all the details, he consulted with the Rashba, zt"l, regarding this question.

He asked, "First of all, did his affirmation even count? He claims he didn't realize it was an affirmation at all! Secondly, even if it does, can a Rabbinic annulment impact upon it? In Nedarim 67 it says clearly that affirmation is not uprooted Rabbinically. Maybe this is a rule that applies to all types of affirmations?" The Rashba replied, "Clearly Rabbinic annulment is retroactive, just as Rabbinic uprooting of a vow is retroactive. And as far as your 'proof' from Nedarim 67 is concerned, there the case is regarding a *na'arah hame'urasah*, where both the father and future husband must annul her vows. The main point there is that both need to annul together. Since both must annul at once, the husband's annulment during the time of the father's affirmation is completely void, since they didn't annul together!"

HALACHA

Revoking the vow of an adopted daughter

אם כן "וְאַסְרָה אִסְרָה בְּבֵית אָבִיה ... הַנִּא אָבִיה אֹתָה" לָמָה לַיְהּ

Is so why is the pasuk that states, "And she created a prohibition in her father's house ... her father restrained her," needed?

The Gemara teaches that a father may revoke the vow of his daughter and a husband may revoke the vow of his wife. Although the Gemara below (73b) explains that the rationale why a husband is authorized to revoke the vow of his wife is that a when a married woman vows she does so subject to the consent of her husband, no rationale is suggested for why a father is authorized to revoke the vows of his daughter. Many authorities¹ suggest that a daughter that still lives in her father's home also willingly subjects her vows to the approval of her father. Sefer Birkas Eliyahu² raises the question of whether a father is authorized to revoke the vows of his adopted daughter. He cites the comments of the Or Sameach³ who writes that the right of a father to revoke the vows of his daughter is related to the monetary interest he has in her. In other words, since a father is allowed to sell his daughter and collect her wages, he is also able to revoke her vows.

This explanation would lead us to the conclusion that a father would not be authorized to revoke the vows of his adopted daughter since an adopting father does not have the previously mentioned financial interest in his adopted daughter. Sefer Shalmei Nedaram⁴ draws a similar conclusion and associates a father's right to revoke his daughter's vows with his right to marry her off to the man of his choice. This conclusion is not so clear⁵; however, because the Gemara in Chullin (11a) attempts to prove that the Torah follows the majority based on the fact that a father is authorized to revoke his daughter's vow even though it is only based on the principle of majority that we know that he is her father. The Gemara dismisses this proof because as long as she thinks it is her father she subjects her vows to his consent. Accordingly, it could be suggested that as long as the adopted daughter considers him to be her father she subjects her vows to his consent he would have the authority to revoke her vows.

1. ע' מתייבטה למס' נדרים בפנימי הלכה סז
2. ספר ברכת אליהו ח"מ ח"ג עמ' רל"ג
3. אור שמח ה"ל נדרים פ"ג ה"ט
4. שלמי נדרים סז
5. שלמי נדרים שם

REVIEW AND REMEMBER

1. What does the last case of the Mishnah teach?
2. What is the source that a father and husband revoke the vows of a na'arah who is an arusah?
3. How does the Gemara know that a father cannot revoke his daughter's vows by himself?
4. Explain **לומר שאין הבעל מיפר בקדומים**.

POINT TO PONDER

The Gemara says *גמרא* that if the husband or the father was **מייפר** and then the other was **מייפר** he can no longer be **מייפר**. Even though he can undo the **הקמה** he will still not be able to be **מייפר**. What would be the **דין** if he was **מייפר** before anyone was **מייפר**?

Response to last week's Point to Ponder:

When Rabi Shimon refused to taste the lady's dish, he said **מִתּוֹתָו כָּל בְּנֵי אֶלְמָנָה**, why would he curse the children? They didn't do anything wrong.

בְּעֻוּן נְדָרִים writes that a person's wife and/or children may die. The **מהרש"א** quotes this **גמרא** and explains that in our **גמרא** in addition to the **נדר** that this person made he also disrespected the **רַבִּי שְׁמַעוֹן** and therefore **רַבִּי חַכְמִים** cursed him that he should die and leave his wife a widow and then the children will die because of his **נדר**.