



נדרי דף ס"ז

English Halacha Topics

The Hafarah of a Father

This chapter deals with the laws of a father and husband annulling vows of a betrothed wife. The next chapter details which kind of nedarim a husband may annul. These are vows of inui nefesh, physically restrictive, or baino ubainah – vows which inhibit interaction between the spouses. Examples of inui nefesh are nedarim to refrain from bathing or putting on makeup. That's relevant to a husband. What are the guidelines for a father to his daughter?

The Shulchan Aruch (Y.D. 234:1) says, "A father may annul the vows of his daughter as long as she is a ketanah or naarah. When she becomes a bogeres or gets married (nessuin) he cannot annul." A girl becomes a naarah when she turns 12 years old and a day, or produces two hairs of puberty. She has this status for the next six months, at which point she is called a bogeres. (The Ra"v MiBartenura in Kesubos 3:8 writes that this word derives from the Aramaic for hairiness.)

What sort of nedarim may a father annul? Is he the same as a husband, who can annul only two kinds of vows, as we said? Or, is he allowed to annul every vow that his daughter makes?

This is subject to dispute among the Rishonim. The Ran, Rosh and Tosfos on Daf 79a maintain that a father has the same status as a husband. This is also the view of the Sifri on Matos (155). But the Rambam (Nedarim 12:1) states clearly that he may annul any vow she makes. (See the Rambam's rebuttal of the Sifri in Kesef Mishnah.) The Shulchan Aruch (ibid. 58) cites both opinions.

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Now, the Rambam's stance certainly applies as long as the daughter is a minor. What about when she becomes betrothed, with erusin? Since now the father cannot annul her vows except together with the husband, maybe they both share the regulations of the husband? The Beis Yosef assumes as a given that indeed they can annul only those that the husband can. However, the Meiri is unsure about it, and the Tzofnas Paneiach (Nedraim 11:8) states that the father can still annul any and all vows she makes! Even though the father cannot annul vows of inui nefesh and baino ubaino except with the husband, he may annul all other kinds of nedarim by himself. The partnership of hafarah with the husband applies only to the kinds of nedarim relevant to the husband.

What about if a betrothal-husband divorces her or passes away? Then, the power to annul reverts to the father (Daf 70a). According to the Beis Yosef, would the Rambam say that the father regains the right to annul all vows, or does he remain limited to those of the husband? The language of the Rambam implies that he reverts to his former authority: "Whatever she vows, the father can annul, like he did before she became betrothed" (ibid. 11:10). However, Rabbeinu Yechiel maintains that the father loses this ability forever, once betrothal takes place (cited in Tur and Shulchan Aruch).

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