

מתני' נערה המאורסה – אביה ובעלה מפירין נדריה.

**MISHNA** With regard to a betrothed young woman,<sup>NH</sup> her father and her husband together nullify her vows.

**NOTES**

**A betrothed young woman – נערה המאורסה:** The term young woman refers to the halakhic category of a girl who has reached the age of twelve and has at least two pubic hairs. She remains in this category for six months, at which point she becomes a halakhic adult no longer under her father's jurisdiction. While she is still a young woman, she is under her father's jurisdiction. He may betroth her to a man and he has the ability to nullify her vows. If she is betrothed, he can nullify her vows only with the participation of her husband.

Although the father's ability to nullify her vows does not extend beyond this period, it can begin before it, as the accepted *halakha* is that the vows of a girl over eleven years of age are examined. If it is evident that she comprehends the significance of her vows, she is obligated to fulfill them. Accordingly, in such a case, the ruling in the mishna on nullification of vows would apply to a betrothed girl from the age of eleven.

**HALAKHA**

**נערה המאורסה וכו' –** With regard to a betrothed young woman, only her father and husband together can nullify her vows. If one of them nullified her vow by himself, it is not nullified (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 11:9; *Shulhan Arukh, Yoreh De'a* 234:5).

הפר האב ולא הפר הבעל, הפר הבעל ולא הפר האב – אינו מופר. ואין צריך לומר שקיים אחד מהן.

If the father nullified her vow and the husband did not nullify it, or if the husband nullified it and the father did not nullify it, then the vow is not nullified. And needless to say, it is not nullified if one of them ratified the vow.

גמ' היינו רישא, אביה ובעלה מפירין נדריה! מהו דתימא: או אביה או בעלה קתני, קא משמע לן.

**GEMARA** The mishna states that if the father nullified her vow and the husband did not nullify it, or if the husband nullified it and the father did not nullify it, then the vow is not nullified. The Gemara asks: **Is this** not the same as **the first clause** of the mishna, which states: **Her father and her husband nullify her vows?** The Gemara answers: The second clause is necessary, **lest you say:** The mishna is teaching that **either her father or her husband** can nullify her vows, but there is no need for both of them to do so, which is also a possible interpretation of the Hebrew phrase used. Therefore, the mishna **teaches us** that it means that both of them must nullify the vow.

"ואין צריך לומר שקיים אחד מהן." למה לי למיתנא? השתא יש לומר הפר זה בלא זה – ולא כלום, קיים אחד מהן למה לי? צריכא למיתנא?

At the end of the mishna it is stated: **And needless to say,** it is not nullified if **one of them ratified** the vow. The Gemara asks: **Why do I need the mishna to teach this?**<sup>N</sup> Now, it was stated that if **one of them nullified** the vow **without the other,** it is **nothing,** her vow is not nullified. If **one of them ratified** it, **why do I need it to state** that her vow is not nullified? Is it **necessary to teach** this?

**NOTES**

**Why do I need the mishna to teach this – למה לי למיתנא:** The early commentaries point out that *mishnayot* are often structured in the form: This, and needless to say that. This means that the second *halakha* can readily be derived from the first, and nevertheless both are recorded for stylistic reasons. The Gemara often uses this to explain seemingly superfluous passages in the Mishna. Why, then, does the Gemara here ask about this mishna being structured in this way?

The Rashba explains that the question could have been readily dismissed, but the Gemara uses it as a rhetorical device to highlight a point that requires clarification. However, *Tosafot* and the Ran argue that the mishna includes the phrase: Needless to say, only when the derivation of the latter from the former is not obvious. In this case, the husband's silence is equivalent to ratifying the vow, rendering the addition truly superfluous and therefore engendering the Gemara's question.

Teaches us that they both must nullify it together – קא דמפירין שניהם בבת אחת: The early commentaries disagree with regard to the conclusion of the Gemara. The Rambam holds that once one of them has ratified the vow, it can no longer be nullified at all, even if the ratification is later dissolved. Some say that once the ratification was dissolved, if the one who ratified it now nullifies it, the vow is nullified, since now both the father and the husband have nullified it (Commentary on *Nedarim*; Meiri). Others explain the phrase: That they both must nullify it together, to mean that not only must the one who ratified the vow now nullify it, but even the one who nullified it before must do so again (*Tosafot*; Ritva; Ran).

The Rashba questions the explanation of *Tosafot*, based on the following reasoning: If a man betroths a woman on the condition that she is not bound by any vows, and her vows are then dissolved by a halakhic authority, the betrothal takes effect. This is because dissolution by a halakhic authority uproots a vow retroactively. Likewise, dissolution of the ratification of a vow should uproot the retroactively. Why, then, is there a need for the other party to repeat his nullification; it should be as if the first party never ratified it at all?

The Rashba suggests that perhaps the ruling that both must nullify the vow subsequent to the ratification's dissolution applies only when the husband initially nullified the vow and the father ratified it and then dissolved his ratification. Because the father has more authority with regard to nullification of his daughter's vows than the husband does, the husband's initial nullification had no standing if it was not initially supported by that of the father. Therefore, he must nullify it again.

כי איצטריך ליה – בגון דהפר אחר מהן וקיים אחד, וחזר המקיים ונשאל על הקמתו. מהו דתימא: מאי דאוקי – הא עקריה, קא משמע לן דמפירין שניהם בבת אחת.

”ונערה המאורסה אביה ובעלה מפירין נדריה”. מנלן? אמר רבה: אמר קרא ”ואם היו תהיה לאיש ונדריה עליה” – מכאן לנערה המאורסה שאביה ובעלה מפירין נדריה. אימא האי קרא בנשואה בתיב!

אי משום נשואה – קרא אחרינא בתיב ”ואם בית אישה נדרה”. אימא תרויהו בנשואה! וכי תימא: תרי קראי בנשואה למה לי – למימר שאין הבעל מיפר בקודמין!

The Gemara answers: It was necessary for the mishna to mention this in a case where one of them nullified the vow and the other one ratified it, and the one who ratified the woman's vow retracted and requested dissolution of his ratification from a halakhic authority, who dissolved it. Lest you say: That which he ratified is what he uprooted, by asking the halakhic authority to dissolve his ratification, and therefore the vow is no more, the mishna teaches us that they both must nullify it together.<sup>MH</sup>

§ The mishna teaches: And with regard to a betrothed young woman, her father and her husband nullify her vows. The Gemara asks: From where do we derive this *halakha*? Since she is still in her father's house, he should be authorized to nullify her vows by himself. Rabba said: The verse states: “And if she be to a husband, and her vows are upon her... But if her husband disallows her on the day that he hears it” (Numbers 30:7–9). From here can be derived with regard to a betrothed young woman that her father and her husband nullify her vows. The Gemara asks: Is it not possible to say that this verse is written with regard to a married woman?

The Gemara answers: No, if you say that it is written due to a need to teach the *halakha* of a married woman, it cannot be, as a different verse is written for that purpose: “And if a woman vowed in her husband's house” (Numbers 30:11). The earlier verses therefore refer to a betrothed young woman, who is not yet in her husband's house. The Gemara suggests: Say that both sets of verses are written with regard to a married woman. And if you would say: Why do I need two verses written with regard to a married woman? It is to say that the husband cannot nullify earlier vows<sup>H</sup> made before her marriage but only those made “in her husband's house.”

## HALAKHA

That they both must nullify it together – דמפירין שניהם בבת אחת: The father and the betrothed of a young woman must nullify her vows together, i.e., on the same day. However, if one of them ratified her vow, he can no longer nullify it, even together with the other one, and even if he retracted and consulted a halakhic authority who dissolved that ratification (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 13:21; *Shulhan Arukh*, *Yoreh De'a* 234:6).

שאין הבעל – שאין הבעל: That the husband cannot nullify earlier vows – מיפר בקודמין: If the father of a betrothed young woman heard her vow and nullified his share of it, but the husband did not hear of it until after he married her, he cannot nullify it (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 11:20; *Shulhan Arukh*, *Yoreh De'a* 234:10).

Perek X  
Daf 67 Amud b

## NOTES

Say that a father can nullify vows on his own – אימא אב לחודיה מיפר: The Gemara's suggestion is puzzling. The verse explicitly discusses the nullification of a husband; why would one think that the father can nullify his betrothed daughter's vows on his own? The Ran explains that the Gemara is not proposing that a man should have no power to nullify the vows of his betrothed. Rather, the idea is that the father can nullify her vows on his own as long as her betrothed does not object. If the betrothed ratifies the vow, the father can no longer nullify it.

The Rosh understands the Gemara to be suggesting that either the father or the woman's betrothed can nullify vows by himself. Accordingly, the verse is merely stating one possibility, that of the betrothed man nullifying vows on his own, while the usage of the conjunction “and” (Numbers 30:7), at the start of the passage discussing a betrothed woman, indicates that the father, mentioned in the previous passage, also has the power to nullify his betrothed daughter's vows. Among the alternate versions of the text, there is one that explicitly supports the Rosh's explanation.

ולאו ממילא שמעת מינה?

איבעית אימא: דהויה קדושין משמע.

אימא אב לחודיה מיפר! אם כן וואררה אפר בית אביה, יניא אותה למה לי? השתא יש לומר במקום ארום מיפר אב לחודיה, שלא במקום ארום מבעיא!?

The Gemara rejects this, stating: And do you not learn it by itself, from the words “And if she vowed in her husband's house” (Numbers 30:11)? As the verse indicates that her husband can nullify only vows made after the couple is fully married, and not those made beforehand, the earlier verse is unnecessary.

The Gemara suggests an alternative method of demonstrating that the first verse is referring to a betrothed woman: Or if you wish, say that the words “and if she be to a husband” (Numbers 30:7) must be referring to a betrothed woman, since the usage of the term “she be” indicates betrothal rather than marriage.

The Gemara proposes: Say that a father can nullify the vows of his betrothed daughter on his own.<sup>N</sup> The Gemara responds: If so, why do I need the verse to teach that in a case where she binds herself with a bond in her father's house, her father can disallow her, i.e., nullify her vow (see Numbers 30:4–6). Now when it can be said that in the presence of a betrothed, i.e., when she is betrothed, the father nullifies his daughter's vows on his own, is it necessary to state that he can do so where there is no betrothed? Therefore, the fact that the Torah specifically states that the father nullifies her vows by himself when she is not betrothed indicates that he does not have that power when she is betrothed.

אימא: אב ליבעי ארום, וארום לחודיה מיפר. וכי תימא: אב דכתב רחמנא למה לי - מיבעי ליה דאי הקים - הקים!

The Gemara suggests: Say that the father requires the betrothed's participation in order to nullify his daughter's vows but that the betrothed can nullify them on his own. And if you would say: If the woman's betrothed can nullify them on his own, why do I need the reference to the father that the Merciful One writes with regard to the vows of a betrothed young woman, implying that the participation of the father is necessary to nullify her vows. One can explain that the need to mention the father is necessary in order to teach us that if the father ratified the vow, it is ratified, and her betrothed can no longer nullify it.

אם כן "בית אישה נדרה" למאי כתב? קל וחומר: ומה במקום אב ארום מיפר לחודיה, שלא במקום אב - מיבעיא?!

The Gemara rejects this suggestion: If so, for what purpose did the Torah write "And if she vowed in her husband's house" (Numbers 30:11),<sup>n</sup> which indicates that a married woman's husband nullifies her vows on his own? That could be derived by an *a fortiori* inference:<sup>b</sup> If in the presence of the father, a betrothed man nevertheless nullifies her vows on his own, then when she is no longer in the presence of the father, i.e., she is married and no longer subject to his authority, is it necessary to state that her husband nullifies her vows on his own?

אימא "אם בית אישה נדרה" לומר שאין הבעל מיפר בקודמין.

The Gemara suggests: Say that the betrothed can nullify her vows by himself, and the words "And if she vowed in her husband's house" (Numbers 30:11) are in fact not necessary to teach that a fully married husband can nullify her vows on his own. Rather, they come to say, i.e., to teach, that the husband cannot nullify vows that preceded the betrothal.

ומיניה, ארום מיפר בקודמין.

The Gemara answers: But from that, i.e., from the fact that the verse precludes only the full-fledged husband from nullifying vows that preceded the betrothal, one may infer that the betrothed can nullify by himself vows that preceded the betrothal. Such a conclusion is unreasonable, as the fully married man has greater authority over her than the betrothed.

אלא לאו - משום שותפותיה דאב.

Rather, is it not the case that the betrothed cannot nullify vows on his own, and his ability to do so is only because of his partnership with the father?<sup>h</sup>

NOTES

For what purpose did the Torah write: If she vowed in her husband's house - בית אישה נדרה, למאי כתב - The early commentaries ask: Why did the Gemara not say that the verse is teaching that her father has no authority over her once she has married, and he cannot even ratify her vows? *Tosafot* and the Ran explain that once a woman is married it is obvious that she is not subject to father's authority at all, and he no longer has any jurisdiction over her. The Rashba maintains that the Gemara could have resolved the difficulty in that manner, but that the explanation it provided was better.

BACKGROUND

An *a fortiori* inference - קל וחומר: One of the fundamental principles of rabbinic exegesis, the *a fortiori* inference appears in all of the standard lists of exegetical principles. In essence, it is a principle of logical argumentation wherein a comparison is drawn between two cases, one more lenient and the other more stringent. The *a fortiori* inference asserts that if the *halakha* is stringent in a case where the ruling is usually lenient, then all the more so will it be stringent in a more stringent case. Likewise, if the *halakha* is lenient in a case where the ruling is usually stringent, then it will certainly be lenient in a less stringent case. *A fortiori* inferences appear in the Bible, and the Sages compiled lists of verses in which they appear, for example: "If you have run with the footmen, and they have wearied you, then how can you contend with horses?" (Jeremiah 12:5).

HALAKHA

משום שותפותיה - Because of his partnership with the father - The father and the betrothed of a young woman nullify her vows together, including vows she took before her betrothal (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 11:9, 14; *Shulhan Arukh*, *Yoreh De'a* 234:5).

NOTES

מיפר נדרים - Nullify vows that are between him and her - שבינו לבינה: The Torah describes the vows that a husband can nullify as follows: "Every vow, and every binding oath to afflict the soul, her husband may ratify it, or her husband may nullify it" (Numbers 30:14). The Sages understood that a husband can nullify any vow that causes his wife affliction or that negatively impacts their marital relationship, even if it does not cause affliction. According to most early commentaries, the same limitation applies with regard to the vows of a daughter that a father can nullify: He can nullify only vows that either cause her affliction or negatively impact their relationship, i.e., vows that would disrupt her performance of the duties that she owes him. The Ran and the Meiri cite evidence from the Jerusalem Talmud and the *Sifrei* that the limitations that apply to the husband apply to the father as well.

However, the Rambam maintains that these limitations apply only to the husband, and that the father can nullify any of his daughter's vows. The *Migdal Oz* quotes a responsum of the Rambam in which he explains that the opinion cited in the *Sifrei* is a minority opinion and is not in accordance with the *halakha*. The Meiri proposes a compromise approach: Until the daughter's betrothal, a father can nullify any vow taken by her. Once she is betrothed, since he must then have the husband's participation to nullify her vows, he is also limited and can nullify only vows that negatively impact their relationship or cause affliction.

Perek X

Daf 68 Amud a

דבי רבי ישמעאל תנא: "בין איש לאשתו בין אב לבתו" - מכאן לנערה המאורסה שאביה ובעלה מפירין נדריה. ולתנא דבי רבי ישמעאל: "אם היו תהיה לאיש" מאי עביד ליה?

The school of Rabbi Yishmael taught a different source for the *halakha* in the mishna: The Torah states with regard to vows: "These are the statutes, which the Lord commanded Moses, between a man and his wife, between a father and his daughter, being in her youth, in her father's house" (Numbers 30:17). From here it is derived with regard to a betrothed young woman that her father and her husband nullify her vows. The Gemara asks: And according to the *tanna* of the school of Rabbi Yishmael, what does he do with the words "and if she be to a husband" (Numbers 30:7)?

מוקים לאידך דרבא. ורבא, האי דתני דבי רבי ישמעאל מאי עביד ליה? מיבעי ליה: לומר שהבעל מיפר נדרים שבינו לבינה.

The Gemara answers: According to him, he establishes it to teach the other statement of Rava's statement: If her betrothed died without ratifying the vow, her father can nullify it on his own. The Gemara then asks: And Rava, who derives the *halakha* that the father and the betrothed of the young woman together nullify her vows from the phrase "and if she be to a husband" (Numbers 30:7), what does he do with this verse that the school of Rabbi Yishmael taught as the source for the father and the betrothed nullifying the young woman's vows? The Gemara answers: He requires that phrase: "Between a man and his wife" (Numbers 30:17), in order to say that the husband can nullify only vows that are between him and her,<sup>n</sup> i.e., vows that negatively impact their marital relationship, but he cannot nullify any other type of vow.