

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

Because of his partnership with the father – **משום שותפותיה** – **דאב**: 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).

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 בן 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),ⁿ which indicates that a married woman's husband nullifies her vows on his own? That could be derived by an *a fortiori* inference:^b 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.

ממיניה, 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?^h

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 לבניה.

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,ⁿ i.e., vows that negatively impact their marital relationship, but he cannot nullify any other type of vow.

NOTES

מיפר נדרים – אב ובעלה: 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.

נתרוקנה רשות לאב – The authority reverts to the father – If a young woman's betrothed heard her vow, ratified it, and died, or if he was silent throughout the day that the vow was taken and died on the following day, then her father cannot nullify her vow.

If the betrothed did not hear the vow before he died, or if he heard it and was silent and died that day, his authority reverts to the father, who can then nullify the vow on his own.

If the betrothed heard it and nullified the vow, then according to most authorities the father can subsequently nullify the vow even if the betrothed died the following day. According to the Rambam, however, if the betrothed died the following day, then the right to nullify vows does not revert to the father, and he cannot nullify the vow on his own (Rambam *Sefer Hafl'a'a, Hilkhhot Nedarim* 11:16; *Shulhan Arukh, Yoreh De'a* 234:11).

איבעניא להו: בעל מיגו גיין, או מקליש קליש? היכא קא מיבעניא לן – בגון דנדרה מתרין זיתין, ושמע ארום והיפר לה, ואכלתנן.

אי אמרינן מיגו גיין – לקינא, אי אמרינן מקליש קליש – איסורא בעלמא הוא. מאי?

תא שמע: אימתי אמרו מת הבעל נתרוקנה רשות לאב – בזמן שלא שמע הבעל קודם שישמו, או ששמע ושתיק, או ששמע והיפר, ומת בו ביום. זו היא ששינונו: מת הבעל – נתרוקנה רשות לאב.

S A dilemma was raised before the Sages: If a husband nullifies his betrothed's vow, does he sever^N his share of the vow or does he weaken the force of the entire vow? The Gemara clarifies: Under which circumstances do we raise the dilemma, i.e., what is the practical difference between these two possibilities? In a case where she vowed not to derive benefit from two olives,^N and her betrothed heard and nullified the vow for her, and she ate those two olives before her father nullified the vow, there is a practical difference.

If we say that he severs his share of the vow, nullifying half of the prohibition, then one of the olives remains completely forbidden, and she is flogged for violating her vow. If we say that he weakens its force, she is not liable to be flogged, as eating the olives is now merely a prohibition that she has violated. If so, what is the ruling with regard to this question?

The Gemara now cites a lengthy *baraita*, ultimately stating a proof to answer the previous question. Come and hear a *baraita* that will resolve the dilemma: When did they say that if the husband of a betrothed young woman dies, the authority to nullify her vows reverts to the father,^H who can then nullify her vows on his own? This occurs in a case when the husband had not heard her vow before he died; or in a case where he heard and was silent;^N or where he heard and nullified it and died on the same day. This is what we learned in the mishna, concerning a case of this kind (70a): If the husband dies, the authority to nullify vows reverts to the father.

NOTES

If a husband nullifies his betrothed's vow, does he sever – בעל מיגו גיין – Many early commentaries understand that although this dilemma is explicitly raised with regard to the young woman's betrothed, it is also with regard to the father that the Gemara asks if his nullification severs his portion of the vow or weakens the general force of the whole vow (*Tosafot; Ran*). One later commentary raises the possibility that at least according to the opinion that the words "and if she be to a husband" (Numbers 30:7) are referring to a betrothed young woman, the question applies only to the betrothed husband whose nullification of the vow is explicitly mentioned in the Torah, whereas the father's nullification of the vow is derived only from the proximity of the verses (*Keren Ora*).

In the Jerusalem Talmud, however, the question is discussed pertaining to a case where only the father nullifies the vow. When only the husband nullifies it, the Jerusalem Talmud rules that the vow remains fully in force, and she is liable to be flogged if she violates its terms. It appears that the Jerusalem Talmud derives this opinion from the fact that the father's authority over his betrothed daughter is greater than that of her husband, as is evident from the discussion later in the Gemara that upon the death of a woman's betrothed the right to nullify her vows reverts to the father.

Where she vowed not to derive benefit from two olives – דנדרה מתרין זיתין: The Ran points out that even according to the possibility that the partial nullification severs half of the vow, she is liable to be flogged only if she eats both olives, as there is no determination as to which of them remains forbidden.

Or where he heard and was silent...and died on the same day – או ששמע ושתיק...ומת בו ביום – Although the standard version of the text seems to indicate otherwise, the early commentaries point out that the husband dying on the same day he heard his wife's vow is significant only if he was silent, as then his response to the vow was inconclusive. If he died on the following day, his silence throughout the day on which he heard the vow would constitute ratification of the vow, and the father could no longer nullify it. If he nullified it upon hearing it, then his subsequent death, even on the same day, is irrelevant (Rashba; Commentary on *Nedarim; Ran*). The Rashba points out that there are alternative versions of the text that support this understanding. However, he also cites a different explanation: If the husband nullified the vow and died the next day, the right to nullify vows does not revert to the father, and he cannot nullify the vow on his own (see Rambam *Sefer Hafl'a'a, Hilkhhot Nedarim* 11:16, 19).

אבל אם שמע וקיים, או ששמע ושתק ומת ביום שלאחריו – אין יכול להפיר.

שמע אביה והפיר לה, ולא הספיק בעל לשמוע עד שמת האב – זו היא ששנינו: מת האב – לא נתרוקנה רשות לבעל. שמע בעלה והפיר לה ולא הספיק האב לשמוע עד שמת הבעל – זו היא ששנינו: מת הבעל נתרוקנה רשות לאב.

שמע בעלה והפיר לה, ולא הספיק האב לשמוע עד שמת – אין הבעל יכול להפיר, שאין הבעל מיפר אלא בשותפות.

But if it is a case where the husband of a betrothed young woman heard and ratified^H the vow, or where he heard, and was silent, and died on the following day, in which case his silence is considered ratification of the vow, then the father cannot nullify the vow.

If her father heard or was made aware of the vow and nullified it for her but the husband did not manage to hear^N of the vow before the father died, this is what we learned in the same mishna (70a): If the father dies, the authority over her vows does not revert to the husband,^{NH} i.e., a young woman's betrothed cannot nullify her vows alone, without the father. If her husband heard the vow and nullified^N it for her, and the father did not manage to hear of the vow before the husband died,^N this is what we learned in the mishna: If the husband dies, the authority reverts to the father.

If her husband heard and nullified the vow for her, and the father did not manage^N to hear of the vow before he died, the husband cannot nullify it, although she no longer has a father, as the husband can nullify vows only in partnership^{NH} with the father.

HALAKHA

If he heard and ratified, etc. – אם שמע וקיים וכו' – If the betrothed man heard the vow, ratified it, and then died on the same day, or if he heard it, remained silent, and then died on the following day, then the father cannot nullify the vow (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 11:16; *Shulhan Arukh*, *Yoreh De'a* 234:11).

The authority does not revert to the husband – לא נתרוקנה רשות לבעל: If the father died after his daughter was betrothed, her betrothed cannot nullify her vows, even if the father and her betrothed heard her vow together and the former nullified it before his death (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 11:18; *Shulhan Arukh*, *Yoreh De'a* 234:15).

As the husband can nullify vows only in partnership – שאין הבעל מיפר אלא בשותפות: If the young woman's betrothed heard and nullified the vow, but her father died before he heard of it, the betrothed cannot nullify the father's portion, and the vow remains in effect (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 11:18; *Shulhan Arukh*, *Yoreh De'a* 234:15).

NOTES

ולא הספיק – But the husband did not manage to hear, etc. – בעל לשמוע וכו': Some early commentaries point out that the ruling is the same whether or not the husband managed to hear of the vow (see Rashba), and the Gemara is simply citing the most extreme case. The Ran explains that in the case where the husband did not even hear of the vow before the father's death, one might have thought that he is given the opportunity to complete the nullification. The Gemara therefore states that even in this case, he is still not authorized to nullify it by himself.

לא נתרוקנה – The authority does not revert to the husband – רשות לבעל: The Rosh asks: Since the father has already nullified his portion of the vow, why can't the husband complete the process and nullify his portion of the vow after the father's death? He explains that since the father can nullify his betrothed daughter's vows only in partnership with the husband, upon the father's death his nullification is canceled, leaving the husband with the entire vow to nullify, which he is not authorized to do. The basic reasoning is that the vow of a betrothed young woman does not consist of two independent parts, one that may be nullified by the father and the other by the husband. Rather, the vow is subject to their joint authority.

שמע בעלה והפיר וכו' – Her husband heard and nullified, etc. – Many early commentaries point out that this passage is redundant, as this ruling can be inferred from the first clause of the *baraita*. They explain that the *baraita* is merely elaborating, in order to emphasize the difference between the husband and the father.

ולא הספיק האב לשמוע עד שמת הבעל – And the father did not manage to hear of the vow before the husband died – According to the Rashba, the phrasing does not present the ruling precisely, as it makes no difference in practice whether or not he managed to hear of the vow before his daughter's betrothed died.

שמע בעלה והפיר לה, ולא הספיק – If her husband heard and nullified the vow for her and the father did not manage, etc. – האב וכו': *Tosafot* point out that this *halakha* can be inferred from the first clause of the *baraita*, and it is stated only in order to complete the depiction of the various possibilities.

שאין – As the husband can nullify vows only in partnership – הבעל מיפר אלא בשותפות: The Ran explains that the Gemara did not use the expression: The father's authority does not revert to the husband, as one might have expected, because in this case the father never heard of the vow, and therefore one cannot refer to his authority reverting to the husband.