

“זוה הדבר” – חכם מתיר, ואין בעל מתיר. תנא אידך: “זוה הדבר” בעל מפר ואין חכם מפר. שיכול, ומה בעל שאין מתיר – מפר, חכם שמתיר – אינו דין שמתיר? תלמוד לומר: “זוה הדבר” – בעל מפר ואין חכם מפר.

נאמר כאן “זוה הדבר” ונאמר להלן “זוה הדבר” בשחויטי חוץ. מה בשחויטי חוץ – אהרן ובניו וכל ישראל, אף פרושת נדרים – אהרן ובניו וכל ישראל. ומה כאן ראשי המטות – אף להלן ראשי המטות.

בפרשת נדרים למאי הלכתא? אמר רב אחא בר יעקב: להכשיר שלשה הדיוטות. והא ראשי המטות כתוב! אמר רב חסדא, ואיתימא רבי יוחנן: ביחיד מומחה.

ראשי המטות בשחויטי חוץ למאי הלכתא? אמר רב ששת: לומר שיש שאלה בהקדש.

“This is the thing” (Numbers 30:2), to teach that the husband nullifies vows and a halakhic authority dissolves vows, but a husband does not dissolve them. It is taught in another *baraita*: The phrase “this is the thing” teaches that a husband nullifies vows but a halakhic authority does not nullify vows. As, one might have thought: Just as a husband, who cannot dissolve vows, nevertheless nullifies them, so too with regard to a halakhic authority, who can dissolve vows, is it not logical that he should also nullify them? Therefore, the verse states: “This is the thing,” to teach us that a husband nullifies vows, but a halakhic authority does not nullify them.

It is taught in a *baraita*: It is stated here, with regard to vows: “This is the thing,” and it is stated elsewhere: “Speak to Aaron, and to his sons, and to all the children of Israel, and say to them: This is the thing which the Lord has commanded, saying” (Leviticus 17:2), in the verse introducing the prohibition against slaughtering offerings outside of the Temple courtyard.^N Just as with regard to offerings slaughtered outside the Temple courtyard, the verse is directed to Aaron and his sons and all of Israel, so too, the portion in the Torah about vows is directed to Aaron and his sons and all of Israel. And just as here, with regard to vows, the verse states: “And Moses spoke to the heads of the tribes of the children of Israel” (Numbers 30:2), so too, there, with regard to offerings slaughtered outside the Temple courtyard, Moses spoke to the heads of the tribes.

The Gemara asks: With regard to the Torah portion on vows, for what *halakha* is the verbal analogy between it and slaughtering offerings outside the Temple courtyard taught? Rav Aḥa bar Ya’akov says: The verbal analogy is the source to authorize three laymen^{NH} to dissolve vows. The Gemara raises a difficulty: But isn’t it written: “The heads of the tribes”? Rav Ḥisda said, and some say it was Rabbi Yoḥanan: From the phrase “the heads of the tribes” the Sages derive that vows can also be dissolved by a single expert.^H

The Gemara then asks the corresponding question about the other passage. The verbal analogy connects “the heads of the tribes” to offerings slaughtered outside of the Temple courtyard. For what *halakha* is this connection made? Rav Sheshet said: This connection is made in order to say that there is a concept of requesting dissolution of consecration of consecrated property.^{HN}

NOTES

Slaughtering offerings outside of the Temple courtyard – שחויטי חוץ: The Torah (Leviticus 17:1–9) prohibits the slaughtering outside of the Temple of any animal or bird dedicated as an offering, and anyone who does so is subject to *karet*. There were relatively short periods before the building of the Temple in Jerusalem when, depending on the circumstances in the Tabernacle, it was temporarily permitted to sacrifice offerings on private altars anywhere in Eretz Yisrael. However, once King Solomon built the First Temple, it became prohibited to sacrifice offerings outside the Temple, although the Bible reports that this prohibition was violated throughout the First Temple period. This prohibition remains in force, even after the destruction of the Temple.

To authorize three laymen – להכשיר שלשה הדיוטות: The early commentaries inquire as to the source for the requirement of specifically three people to dissolve vows. The Commentary on *Nedarim* derives the requirement from the verbal analogy to offerings slaughtered outside of the Temple courtyard, where mention is made of three groups: Aaron, his sons, and all of Israel. The inclusion of “all the children of Israel” (Leviticus 17:2) teaches that they may be even laymen. Another explanation is that Aaron and his sons together are three, as only Elazar and Ithamar remained after the death of Nadav and Avihu, while the phrase “all the children of Israel” teaches us that they can be laymen (Rabbi Avraham min HaHar; Rabbi Yitzhak Tzarfati).

A different suggestion is that since this dissolution is performed by laymen rather than a single expert, the *halakha* reverts to the usual structure of a court, which is composed of three men (*Tosafot*; Ran).

That there is a concept of requesting dissolution of consecration of consecrated property – שיש שאלה בהקדש: Consequently, the prohibition against sacrificing offerings outside of the Temple is dependent upon the court. If one slaughtered a consecrated animal outside of the Temple, but then obtained dissolution of his consecration of the animal, the consecration is entirely unproven, and it is as though he slaughtered a non-sacred animal.

HALAKHA

To authorize three laymen – להכשיר שלשה הדיוטות: A vow can be dissolved by three laymen, provided they understand what they are taught and know how to find an extenuation enabling the dissolution of a vow (Rambam *Sefer Hafla’a*, *Hilkhot Shevuot* 6:5, and *Hilkhot Nedarim* 4:5; *Shulḥan Arukh*, *Yoreh De’a* 228:1).

A single expert – יחיד מומחה: Vows can be dissolved by an individual, if he is an expert scholar. Nowadays, there are no single experts who can dissolve vows on their own (Rambam *Sefer Hafla’a*, *Hilkhot Shevuot* 6:5 and *Hilkhot Nedarim* 4:5; *Shulḥan Arukh*, *Yoreh De’a* 228:1).

That there is a concept of requesting dissolution of consecration of consecrated property – שיש שאלה בהקדש: One may request that a court cancel his consecration of an item or animal. Consequently, one who consecrated an item or animal, or one who separated *terumot* or tithes, may request of a halakhic authority to dissolve this consecration, in accordance with the opinion of Rav Sheshet. However, although it is a mitzva to request the dissolution of regular vows, requesting dissolution of the consecration of property is permitted only in exigent circumstances (Rambam *Sefer Hafla’a*, *Hilkhot Nedarim* 13:25; *Shulḥan Arukh*, *Yoreh De’a* 203:3).

BACKGROUND

Verbal analogy – גזירה שוה: This is a fundamental principle of talmudic biblical interpretation, appearing in all standard lists of exegetical principles. If the same word or phrase appears in two places in the Torah, and a certain halakha is explicitly stated in one of these places, one may infer on the basis of a verbal analogy that the same halakha must apply in the other case as well. Consequently, the inferences drawn on the basis of a verbal analogy rely on verbal identity rather than on conceptual similarity.

For example, the Torah states with regard to those convicted of certain types of sorcery: "They shall surely be put to death; they shall stone them with stones; their blood shall be upon them" (Leviticus 20:27). Since this verse uses the expression: "Their blood shall be upon them," when speaking of death by stoning, the Talmud infers by verbal analogy that in all cases where this expression is used, capital punishment is to be inflicted by stoning. Generally, inferences are drawn through verbal analogy only if the same word or phrase appears in both of the verses being compared, although a verbal analogy is occasionally drawn even if the words being compared are not identical, provided that their meanings are similar.

Pinching – מליקה: Turtledoves and young pigeons sacrificed as offerings in the Temple were not killed by ritual slaughter with a knife, as with other offerings, but rather by pinching their necks. This was considered an especially difficult procedure to perform. The priest would hold the bird in his left hand with its legs and wings between his fingers, and the back of its neck stretched out and facing upward. With his right fingernail, which he grew especially long for this purpose, the priest would cut the bird's neck and spine from the back until he reached and severed its esophagus, or windpipe, or both, depending upon the offering. If the bird was to be sacrificed as a burnt-offering, the priest would completely sever its head. If it was designated as a sin-offering, he would leave the head attached.

A bird killed by pinching that was not intended for sacrificial use was considered an unslaughtered carcass and was not permitted to be eaten. However, a bird killed by pinching and sacrificed as a sin-offering was permitted to be eaten by priests. Animals intended as offerings in the Temple could be slaughtered by a non-priest, but only a priest was permitted to perform pinching.

HALAKHA

One is liable for slaughtering outside, etc. – על השחיטה: One who pinches the neck of a sacrificial bird outside of the Temple is exempt (Rambam Sefer Avoda, Hilkhot Ma'aseh HaKorbanot 18:18).

לְבֵית שְׁמַאי דְאָמְרֵי אֵין שְׂאֵלָה בְּהַקְדָּשׁ: "רֵאשֵׁי הַמִּטּוֹת" דְּכָתִיב בְּשַׁחוּטֵי חוּץ לְמַאי הִלְכְתָּא? בֵּית שְׁמַאי לֵית לְהַ גְּזִירָה שׁוּהָ.

The Gemara asks: According to Beit Shammai, who say that there is no possibility of requesting from a halakhic authority to cancel the consecration of consecrated property, the treatment of the verse "the heads of the tribes" as if it were written also about offerings slaughtered outside the Temple courtyard serves to teach what halakha? The Gemara answers: Beit Shammai do not have a tradition of interpreting the verses in accordance with this verbal analogy.^B

"זֶה הַדְּבָר" בְּפִרְשֵׁת נְדָרִים לְמַאי כְּתִיב? לֹאמֵר: חָכֵם מִתֵּיב, וְאֵין בְּעַל מִתֵּיב, בְּעַל מִפְּרֹ וְאֵין חָכֵם מִפְּרֹ.

The Gemara asks: Since Beit Shammai do not use this verbal analogy, for what purpose is "this is the thing," in the portion on vows, written? The Gemara answers: It is written to say that only a halakhic authority dissolves vows, but a husband does not dissolve them; a husband nullifies vows, but a halakhic authority does not nullify them.

"זֶה הַדְּבָר" בְּשַׁחוּטֵי חוּץ לְמַאי כְּתִיב? לֹאמֵר: עַל הַשְּׁחִיטָה חֵיִב, וְאֵין חֵיִב עַל הַמְּלִיקָה.

According to Beit Shammai, for what purpose is written the phrase "this is the thing," found in the portion on offerings slaughtered outside of the Temple courtyard? The Gemara answers: It is written to say that one is liable for slaughtering outside,^H but one is not liable for pinching^{BN} the neck of a bird-offering outside the Temple courtyard, although that is the way it would be killed if it were a valid offering in the Temple.

אֵלָּא לְבֵית שְׁמַאי, לְהַכְשִׁיר שְׁלֹשָׁה הַדְּיוֹטוֹת מִנְּלִין? נִפְקָא לְהוּ מִדְּרַב אֲסִי בַר נָתָן.

The Gemara asks: But according to Beit Shammai, who do not accept the verbal analogy between vows and the prohibition against slaughtering offerings outside of the Temple courtyard, from where do we derive the source to authorize three laymen to dissolve vows? The Gemara answers: Beit Shammai derive it from the explanation given to Rav Asi bar Natan.

דְּכָתִיב "וַיְדַבֵּר מֹשֶׁה אֶת מַעֲדֵי ה' אֶל בְּנֵי יִשְׂרָאֵל" וְהַתְּנָא, רַבִּי יוֹסִי הַגְּלִילִי אָוִימֵר: מוֹעֲדֵי נְאֻמָּרוּ וְלֹא נְאֻמָּרָה שֶׁבֶת בְּרֵאשִׁית עִמְהֶן. בֵּן עֲזַאי אָוִימֵר: מוֹעֲדֵי נְאֻמָּרוּ, וְלֹא נְאֻמָּר פְּרִשְׁת נְדָרִים עִמְהֶן.

This is as it is written: "And Moses declared the Festivals of the Lord to the children of Israel" (Leviticus 23:44). And it is taught in a baraita: Rabbi Yosei HaGelili says: The Festivals are stated, but Shabbat, which commemorates Creation, is not stated with them. Ben Azzai says: The Festivals are stated, but the portion on vows is not stated with them.

רַב אֲסִי בַר נָתָן קָשִׁיָא לֵיהּ הָא מִתְּנַתָּא. אֲתָא לְנֵהרְדֵּא לְקַמֵּיהּ דְּרַב שֵׁשֶׁת, וְלֹא אֲשַׁכְחִיהָ, אֲתָא אֲבַתְרִיהָ לְמוֹחֶזָא. אָמַר לֵיהּ: מוֹעֲדֵי ה' נְאֻמָּרוּ וְלֹא נְאֻמָּרָה שֶׁבֶת בְּרֵאשִׁית עִמְהֶן?

The Gemara relates that Rav Asi bar Natan had a difficulty with this baraita. He came to Neharde'a to ask about it before Rav Sheshet, but he did not find him there. He pursued him to Mehoza and said to him: How can the baraita say that the Festivals of the Lord were stated, but Shabbat, which commemorates Creation, was not stated with them?

וְהָא כְּתִיב שֶׁבֶת עִמְהֶן! וְתוּ: מוֹעֲדֵי ה' נְאֻמָּרוּ וְלֹא נְאֻמָּרָה פְּרִשְׁת נְדָרִים עִמְהֶן? וְהָא מְסִיטְרָא כְּתִיבָא! אָמַר לֵיהּ: הַכִּי קִתְּנִי?

But Shabbat is written with them in the portions of the Torah about the Festivals (Leviticus 23:3; Numbers 28:9–10). And furthermore, can it be said that the Festivals of the Lord are stated, but the portion on vows (Numbers, chapter 30) is not stated with them? Isn't it next to one of the portions in the Torah detailing the halakhot of the Festivals (Numbers, chapters 28–29)? Rav Sheshet said to him: This is what Rabbi Yosei HaGelili's statement in the baraita is teaching:

NOTES

But one is not liable for pinching – וְאֵין חֵיִב עַל הַמְּלִיקָה: Birds offered as sacrifices are not slaughtered. They are killed by pinching, where their necks are cut by the priest's long, sharp fingernail through the back of the bird's neck and its esophagus or windpipe. One who does so outside of the Temple courtyard is exempt from the punishment for slaughtering an offering

outside of the Temple. Beit Hillel derive from the verse "that slaughters" (Leviticus 17:3), that one is liable only for slaughtering, not for pinching. However, one who slaughters a bird-offering with a knife outside of the Temple is liable for violating the prohibition against slaughtering outside, despite the fact that this is not the way a bird is sacrificed in the Temple (Rosh).

מועדי ה' צריכין קידוש בית דין, שבת
בראשית אין צריכה קידוש בית דין.

מועדי ה' צריכין מומחה, ואין פרשת
נדרים צריכין מומחה, אפילו בית דין
הדייטות.

והא ברפרשת נדרים "ראשי המטות" בתנאי –
אמר רב הסדא ואיתימא רבי יוחנן: בנחיד
מומחה.

אמר רבי חנינא: השותק על מנת למיקט –
מפר אפילו מכאן ועד עשרה ימים. מתיב
רבא: אימתי אמרו מת הבעל נתרזקה
רשות לאב – בזמן שלא שמע הבעל, או
ששמע ושתק, או ששמע והפר ומת בו
ביום. אבל שמע וקיים, או ששמע ושתק
ומת ביום של אחריו – אין יכול להפר.

מאי לאו – בשותק על מנת למיקט? לא,
בשותק על מנת לקיים. אי הכי היינו או
שמע וקיים! אלא בשותק סתם.

The Festivals of the Lord require sanctification^h by the court,^N as the Festival dates are established by the court's determination of the New Moon, whereas Shabbat, which commemorates Creation, does not require^N sanctification by the court. Shabbat is sanctified every week independent of any court decision.

As for ben Azzai's statement, it should be understood as follows: The Festivals of the Lord require an expert,^N as the start of the month, which is dependent upon the appearance of the new moon, which in turn determines the Festivals, can be established only by a court composed of experts. But the portion on vows does not require an expert, i.e., vows can be dissolved even by a court of laymen.^N This explanation of the *baraita* given to Rav Asi bar Natan also serves to explain Beit Shammai's source for the *halakha* that three laymen can dissolve vows.

The Gemara raises a difficulty: But in the portion on vows the phrase "the heads of the tribes" (Numbers 30:2) is written. How, then, can it be said that vows can be dissolved by laymen? Rav Hisda said, and some say it was Rabbi Yohanan: From "the heads of the tribes," the Sages derive that vows can be dissolved by a single expert^N by himself, but three laymen also have that ability.

§ Rabbi Hanina says: A husband who is silent and does not formally nullify his wife's vow in order to annoy [*lemeikat*]¹ her, but intends to nullify it later, can nullify it even from now^N until ten days later. Rava raised an objection to this from a *baraita*: When did they say that if the husband of a betrothed young woman dies, the authority to nullify the woman's vows reverts to the father? The authority reverts to the father when the husband did not hear of her vow, or when he heard and was silent, or when he heard and nullified it and died on the same day. But if he heard and ratified it, or if he heard and was silent and died on the following day, he, the father, cannot nullify the vow.

What, is the phrase: Heard and was silent, not referring even to one who is silent in order to annoy^N her, and nevertheless nullification is only possible that day, contradicting the opinion of Rabbi Hanina? The Gemara answers: No, the *baraita* is referring to one who is silent in order to sustain the vow. The Gemara asks: If so, this is the same as: Or he heard and ratified, mentioned earlier in the *baraita*. Rather, the *baraita* is referring to one who is silent without any specific intent, as opposed to the husband who is silent in order to annoy his wife, whose intent is to nullify the vow.

LANGUAGE

To annoy [*lemeikat*] – לְמִיקַט – Some claim that this is from the root *kuf, tet, tet*, meaning quarrel. There are versions of the text that read *lemiknat*, meaning to vex or quarrel.

HALAKHA

The Festivals of the Lord require sanctification, etc. – מוּעֲדֵי הַיְיָ צְרִיכִין קִדּוּשׁ וכו' – is a positive mitzva by Torah law for the court to ascertain through calculation whether the new moon will be visible. The judges use this information to examine the witnesses who testify that they have seen the new moon and then the court sanctifies the New Moon. Afterward, the court must publicize the day of the New Moon so that the dates of the Festivals will be known (Rambam *Sefer Zemanim, Hilkhot Kiddush HaYodesh* 1:7).

NOTES

Require sanctification by the court – צְרִיכִין קִדּוּשׁ בֵּית דִּין – In other words, the day on which a Festival occurs depends on the court's sanctification of the New Moon, which sets the dates of the month, including the day on which the Festival occurs. The Sages derived this from the fact that in the verse "The Festivals of the Lord, which you shall proclaim to be holy convocations, these are My Festivals" (Leviticus 23:2), the people proclaim the Festivals, and it is understood that this proclamation is accomplished by the court's determination of the New Moon at the beginning of each month. The Rambam explains at length that even nowadays, when the months are not sanctified by a court but follow a fixed calendar, the sanctity of the Festival dates is derived from the original decision of the Sanhedrin, an ordained court, to establish the fixed calendar and thereby sanctify in advance all of the months of future years.

Shabbat, which commemorates Creation, does not require, etc. – שַׁבָּת בְּרֵאשִׁית אֵין צְרִיכָה וכו' – Shabbat is referred to in this context with the addition of the phrase: Which commemorates Creation, because the term Shabbat is sometimes used to refer to a Festival, and it is therefore necessary to distinguish between the two usages of the term (Rosh). Shabbat does not require the sanctification of the court because it is not connected to

a specific date in the month and the days of the week are not determined by the court.

The Festivals of the Lord require an expert – צְרִיכִין מוּמָחֵה – This is derived from the fact that the mitzva of setting the months and the Festivals was addressed to Moses and Aaron, who serve as the archetypes for experts in *halakha* (see *Rosh HaShana* 25b and Rosh).

Even by a court of laymen – אֶפְלוּ בֵּית דִּין הַדְּיִיטוֹת – The three laymen must understand the nature of vows and not be entirely ignorant. They must at least be able to understand the *halakha* when explained to them (Ran). It is stated in the Jerusalem Talmud that when there are three laymen who know how to find an extenuation enabling the dissolution of a vow, they can dissolve it, even if there is an expert available.

By an single expert – בְּיָחִיד מוּמָחֵה – Some early commentaries maintain that the single expert, like those who sanctify the New Moon, must be ordained, as part of the chain of ordination from teacher to student going back to Moses. This formal ordination is no longer extant (Ramban; Rashba). However, the Rambam rules in accordance with the opinion of the *geonim* that it is enough if the expert is an outstanding Torah scholar and he

need not be ordained. Both sides of this dispute bring support from the Jerusalem Talmud. On the one hand, it is stated there that when a Sage was ordained they would announce that he could then dissolve vows. On the other hand, it is also stated in the Jerusalem Talmud that Rav Huna could dissolve vows because he was considered like the leader of the heads of tribes, although he was apparently not ordained.

Can nullify it even from now, etc. – מִפְּרֵי אֶפְלוּ מִכָּאן וכו' – Rabbi Hanina's reasoning is that the husband has effectively nullified his wife's vow in his heart, which means that it is already void, and he is merely delaying the announcement of his decision in order to annoy her (Rabbi Eliezer of Metz).

What, is the phrase: Heard and was silent, not referring even to one who is silent in order to annoy – מִנֵּת לְמִיקַט – In other words, since the *baraita* did not specify its intent, it appears that all types of silence are included, even that of one who remains silent in order to annoy his wife (Rosh; Ran). *Tosafot* explain that the proof is based on the content of the rest of the *baraita*, for it cannot mean one who remains silent with the intention of ratifying the vow, as it explicitly stated that case earlier.

מְתִיב רַב חֲסִידָא: חוֹמֵר בְּהֶקֶם מִבְּהֶפֶר,
וּבְהֶפֶר מִבְּהֶקֶם; חוֹמֵר בְּהֶקֶם

Rav Ḥisda raised an objection from a different *baraita*: In some ways the *halakha* is more stringent in ratification than in nullification, and in other ways it is more stringent in nullification than in ratification. The stringency in ratification of vows is

Perek X
Daf 79 Amud a

HALAKHA

If the husband ratified a vow in his heart, etc. – קיים: **בְּלִבּוֹ וְכוּ'**: If a man ratifies the vow of his wife or daughter in his heart, the vow is ratified, even if he did not also articulate the ratification. However, if he nullifies it in his heart, it is not nullified. Therefore, if he nullified a vow in his heart he may change his mind and ratify it, but if he ratified a vow in his heart he can no longer nullify it (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 13:19; *Shulḥan Arukh, Yoreh De'a* 234:41).

One may request dissolution of the ratification, etc. – נִשְׁאַלֵּן עַל הַקֶּקֶם וְכוּ': One who ratified the vows of his wife or daughter and regretted his decision may request dissolution of his ratification from a halakhic authority. Once the ratification is dissolved, the husband can nullify his wife's vow on the same day. Some authorities maintain that he can request dissolution of his ratification only on the day that he ratified it. By contrast, if he nullified her vow and changed his mind, he cannot request dissolution of his nullification to enable ratification of the vow (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 13:20; *Shulḥan Arukh, Yoreh De'a* 234:49).

שֶׁהִשְׁתִּיקָהּ מִקִּימָתָּהּ, וְאִין שְׁתִּיקָהּ מִבְּטָלָתָּהּ.
קִיִּים בְּלִבּוֹ – קִיִּים, הִפֵּר בְּלִבּוֹ – אִינוּ מוֹפְרִין.
קִיִּים – אִין יָכוֹל לְהִפֵּר, הִפֵּר – אִין יָכוֹל
לְקַיֵּם. קִתְּנִי: שֶׁהִשְׁתִּיקָהּ מִקִּימָתָּהּ, מֵאִי
לְאוֹ בְּשׂוֹתֵק עַל מְנַת לְמִיקָט?

that silence ratifies a vow, but silence does not cancel, i.e., nullify, a vow. If the husband ratified a vow in his heart,^H it is ratified,^N but if he nullified it in his heart, it is not nullified.^N The *baraita* adds: If he ratified a vow he can no longer nullify it; and similarly, if he nullified a vow he can no longer ratify it.^N In any case, the *baraita* teaches that silence ratifies a vow. What, is it not referring even to one who is silent in order to annoy his wife?

לֹא, בְּשׂוֹתֵק עַל מְנַת לְקַיֵּם. הִיִּינוּ: קִיִּים
בְּלִבּוֹ קִיִּים! אֵלֶּא בְּשׂוֹתֵק סִתָּם.

The Gemara rejects this interpretation: No, it is referring to one who is silent in order to sustain the vow. The Gemara asks: If so, this is the same as: If the husband ratified a vow in his heart, it is ratified. Rather, the phrase in the *baraita*: Silence ratifies a vow, is referring to a case where the husband is silent without specifying his intent.

אֲשַׁבְּחֵן חוֹמֵר בְּהֶקֶם מִבְּהֶפֶר, בְּהֶפֶר
מִבְּהֶקֶם מִנָּא לֵן? אָמַר רַבִּי יוֹחָנָן: נִשְׁאַלֵּן
עַל הַקֶּקֶם וְאִין נִשְׁאַלֵּן עַל הַהִפֵּר.

Relating to the *baraita*, the Gemara asks: We found how the *halakha* is more stringent in ratification of vows than in nullification of vows, but where do we find a case in which the *halakha* is more stringent in nullification than in ratification? Rabbi Yoḥanan says: One can request from a halakhic authority dissolution of the ratification^{HN} of a vow his wife took, but one cannot request dissolution of the nullification^N of a vow.

מְתִיב רַב כְּהֵנָא: "וְאִם הִחְרַשׁ יַחְרִישׁ לָהּ
אִישָׁה" וְגו' – בְּשׂוֹתֵק עַל מְנַת לְמִיקָט
הַכְּתוּב מְדַבֵּר. אִתָּהּ אָמַר בְּשׂוֹתֵק עַל
מְנַת לְמִיקָט, אוֹ אִינוּ אֵלֶּא בְּשׂוֹתֵק עַל
מְנַת לְקַיֵּם?

Rav Kahana raised an objection to the opinion of Rabbi Ḥanina that a husband who is silent about his wife's vow in order to annoy her can nullify it even several days later. A *baraita* teaches: "But if her husband altogether hold his peace at her from day to day, then he causes all her vows to be ratified" (Numbers 30:15). The verse is speaking of one who is silent in order to annoy his wife. Do you say that the verse is referring to one who is silent in order to annoy her, or it is referring only to one who is silent in order to ratify the vow?

NOTES

If the husband ratified a vow in his heart, it is ratified – קיים: **בְּלִבּוֹ וְכוּ'**: The Ran explains that the source for this distinction is the Torah's statement "And her husband hears it, on the day that he hears it, and holds his peace at her, then her vows shall be ratified" (Numbers 30:8). In other words, the husband's silence is a form of ratification. In order to ratify a vow, the husband is not required to act or make a statement; only his implicit agreement is necessary. The Torah states that he is given one day in which to state that he does not in fact agree and therefore he must articulate the nullification during that period of time. Some later commentaries discuss the validity of the Ran's reasoning, as there is a difference between one who reveals his intention by remaining silent an entire day and one who simply ratifies the vow in his heart without clearly revealing his intention. Matters of the heart, i.e., unarticulated intentions, are generally of no halakhic consequence (see *Gilyon HaShas*). Rabbi Avraham min HaHar understands the ratification that results from silence to be the automatic result of the husband of father not nullifying the vow, with no additional action required. Under such circumstances, any approval on their part, even when not articulated, serves as ratification.

If he nullified it in his heart, it is not nullified – **הִפֵּר בְּלִבּוֹ** – **אִינוּ מוֹפְרִין**: Although the Gemara mentioned earlier (77b) that Beit Hillel hold that a man can nullify a vow in his heart on Shabbat, the early commentaries explain that this applies only if the husband also instructs her to eat, or otherwise violate her vow, which serves to de facto cancel the vow (see *Tosafot* and *Rosh*). If he nullified a vow he can no longer ratify it – **הִפֵּר אִין יָכוֹל** – **לְקַיֵּם**: In the Rambam's Commentary on the Mishna, he cites a version of the text that reads: If he nullified he can ratify. He explains this statement as referring to nullification in one's heart, which can be retracted as long as it is not articulated. According to the standard version of the text, the nullification referred to is one that is articulated. Once that takes place, there is no further possibility of ratification, as the vow has been canceled and there is nothing to ratify (see Rabbi Avraham min HaHar). The Meiri contends that if one retracts his ratification or nullification within the time needed for speaking, i.e., the time it takes to greet one's teacher, his retraction is valid. This follows the principle that any statement made after a previous statement, within the time needed for speaking, overrides it, although there are some exceptions to this principle.

One can request dissolution of the ratification – **נִשְׁאַלֵּן עַל הַקֶּקֶם**: Some early authorities maintain that the husband may request the dissolution of his decision to ratify a vow only on the day he heard it, but not afterward. If the wife wishes to be released from the vow after the day it is heard, her only recourse is to request dissolution of the vow from a halakhic authority (Ran; *Tosafot* on *Ketubot* 71b). But one cannot request dissolution of the nullification – **אִין – נִשְׁאַלֵּן עַל הַהִפֵּר**: The commentaries understand that the reason one cannot request dissolution of the nullification is because the power granted a halakhic authority to dissolve a vow is limited to dissolving vows alone. A halakhic authority does not have the power to take a vow on behalf of another. Therefore, he cannot dissolve nullification, as that would be tantamount to imposing a new vow on the woman. Some claim that this ruling relates to the vow of a betrothed young woman where either the husband or the father nullified his share and the other, instead of nullifying, goes to have the vow dissolved. This cannot be done, because the Torah grants the halakhic authority the power to dissolve vows only in their entirety, and not to dissolve partially nullified vows (Commentary on *Nedarim; Talmidei Rabbeinu Peretz*).