

This month's Daf Digest is dedicated in memory of
Mr. Israel Gotlib of Antwerp and Petach Tikva, Yisrael Tzvi ben Zev.
By Mr. and Mrs. Manny Weiss

OVERVIEW of the Daf

1) The mechanism of revoking a vow (cont.)

The Gemara concludes its citation of the lengthy Baraisa to resolve the inquiry of whether a revocation cuts away half the oath or whether it merely weakens the oath.

The Gemara confirms that according to Beis Shammai a revocation cuts away half the oath whereas according to Beis Hillel it weakens the vow.

2) Petitioning a confirmation or a revocation

Rava inquires whether one can petition a confirmation and if one assumes that it is allowed is one permitted to petition a revocation?

The inquiry is resolved from a statement of R' Yochanan that one may petition a confirmation but one may not petition a revocation.

3) A double confirmation

Rabbah inquires about the halacha of the following case: If a husband or father confirm a vow twice and then petitions the first confirmation what is the halacha?

This inquiry is resolved from Rava's ruling that when the first confirmation is annulled the second one takes effect.

4) Connecting the confirmation and the revocation

Rabbah inquires: What is the halacha of a father or husband who confirms the vow and subsequently revokes the vow and declares that the confirmation should not take effect unless the revocation also takes effect?

The Gemara answers that in this case the revocation is effective.

5) Confirmation and revocation that occur simultaneously

Rabbah inquires about the halacha when a father or husband confirm and revoke a vow simultaneously.

The Gemara answers that since the two declarations cannot be made consecutively they cannot be made simultaneously.

6) Confirmed for today

Rabbah inquires about the halacha when the father or husband declare that the vow is confirmed for today. Does that mean that it is revoked tomorrow or not? ■

Distinctive INSIGHT

The option to nullify the vow after having sustained it
בעי רבא יש שאלה בהקם או אין שאלה בהקם וכו'

There are different approaches of the Rishonim in explaining the question of the Gemara, and there are practical outcomes which hinge on these differences.

ר"ן and Rosh explain that the question is whether once the father or husband sustains the oath of the girl, can they subsequently retract their having sustained of the oath by going to a wise man and having him nullify the *הקמה*? Is this case similar to a regular oath which can be released, or is *הקמה* different in this regard? The ultimate question is, of course, can the neder of the woman later be nullified after it has already been sustained?

ר"ן notes that the question has to be limited to where the appeal to the *חכם* is being made on the same day that the vow was made. The reason this is true is that it is only on the same day during which the husband heard the vow that he can nullify it. If, after he sustained the vow, the husband hopes to later retract his *הקמה* and thereby expect to now be able to nullify the vow, this entire process is only possible while the original timeframe of "the day of hearing the vow" has not yet expired.

Kesef Mishnah citing Tur opines that the husband has the power to reconsider and have his confirmation of the vow rescinded, even at a later date. We can then consider that later date as the day he is hearing the vow anew, as his confirmation of it has just now been removed. At that point, the husband has the option to nullify the vow, as long as it is then on the same day the *hakamah* is retracted. At that point, when the vow is being reviewed regarding its validity, that day is considered to be, once again, "the day on which it is heard." On the day in which the *hakamah* is reversed, the husband, once again, has the option of retracting the vow by nullifying it. Kesef Mishnah acknowledges that Ran and Tosafos contend that the husband may only reconsider and retract his confirmation on the very day he originally heard the vow, and that this strict view should followed as the Halacha. ■

HALACHAH Highlight

Annuling a vow or cooking during bain hashemashos

בעי רבה קיים ומופר ליכי בבת אחת מהו

Rabbah inquired: [If a man says,] "It is confirmed and revoked for you at the same time." What is the halacha?

Rav Akiva Eiger¹ records the following halacha suggested by a Torah scholar. If a woman makes a vow during bain hashemashos the husband should not have the ability to annul that vow because of the concern that perhaps when she took the vow it was day and when the husband now wants to annul the vow it is no longer the day upon which he heard the vow. Rav Akiva Eiger rejected this conclusion because even if we were to assume that she took the vow during the day and now when he wants to annul the vow it is night he should still retain the ability to annul the vow since he did not have time to annul the vow on the day that he heard it. A case where this concern could arise, however, is where the husband heard about the vow during bain hashemashos, was silent for the period of תוך כדי דיבור and then decided that he wanted to annul the vow. In this case since we must be concerned that the vow and his initial silence occurred during the day and now when he wants to annul the vow it may already be night and thus he did not annul the vow on the day that he heard about it. He then expresses hesitation about the matter because maybe the husband should be able to annul the vow with a ספק ספיקא, i.e. perhaps at the time of the annulment it is still day and even if at the time of the annulment it is night maybe she took the vow when it was already night.

STORIES Off the Daf

Regretted words

יש שאלה בהקם או אין שאלה בהקם

A certain woman had an argument with her husband and made a vow in her anger. Her husband was mekayem the vow. Afterward, both regretted their rash act, but they didn't know what to do. They asked their Rav if he had some way for them to annul their vow. He promised to get back to them and immediately contacted the Ridvaz, זת"ל.

The local Rav asked the Ridvaz, "I have two questions. The first is: they didn't tell me if the husband used a lan-

guage of affirming or merely refrained from annulling. If he was silent, is there any way to annul later on? My second question is: can a חכם annul even a vow that the husband affirmed?"

The Ridvaz replied, "Once the day the vow was made has passed, the vow may no longer be annulled whether the husband used a language that implies affirmation or was silent. As for your second question, it is obvious that a חכם may annul a vow that the husband affirmed even if he did so actively. This is how Rashi in Nedarim 69a explains Rava's question, whether there is שאילה in הקמה or not. Even Rav Eliezer of Metz, זת"ל, who argues with Rashi, agrees that a חכם can certainly annul an affirmation.

REVIEW and Remember

1. According to the Gemara's conclusion, how does the revocation of a vow work?

2. What happens to the second confirmation of a vow?

3. What is the dispute between R' Meir and R' Yosi?

4. Explain the principle כל דבר שאינו בזה אחר זה אפילו בבת אחת אינו.

This gives rise, notes Rav Akiva Eiger², to the question of whether it is permitted on Yom Tov to cook during bain hashemashos with the intention to eat the food during bain hashemashos because of the possibility that when the food was cooked it was day, but at the time of the eating it is night. To further complicate matters, since the cooking involves a Biblical prohibition and is considered דבר שיש לו מתירין, one cannot even rely upon a ספק ספיקא to permit the activity. Similarly, it would be prohibited to light a candle (from an existing flame) during bain hashemashos for the same reason. Rav Akiva Eiger notes that it seems unreasonable that a ruling like this should go unmentioned by earlier Poskim and leaves the matter unresolved. As a matter of practical halacha Poskim³ write that one should avoid activities that involve Biblical prohibitions during the period of bain hashemashos. ■

1. שו"ת רעק"א מהדורא תליתאה סי' א'

2. גנזי רעק"א סי' כ"א

3. שו"ת רבבות אפרים ח"ו סי' קפ"ד ■

He argues because he holds that Rava could not have asked regarding such an obvious matter. After all, why shouldn't a חכם be able to annul a vow the husband affirmed; could his affirmation make the vow any worse than it already is? His affirmation merely serves to block his ability to annul his wife's vow."

The Ridvaz concluded, "Of course, while the husband can annul any vow that affects their relationship, a חכם's annulment has its limitations. Just as with any other vow, the חכם needs to find a פתח an opening, and both must regret their vow so that he can permit it!" ■