

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) Divorce (cont.)

The Gemara suggests a resolution to the inquiry of whether divorce is equivalent to silence or whether it is equivalent to confirmation.

This suggested resolution is rejected.

Another attempt to resolve this inquiry is presented.

This suggestion is also rejected.

One more failed attempt to resolve this inquiry is recorded and the matter remains unresolved.

2) MISHNAH: The Mishnah describes the behavior of Torah scholars regarding the vows of their daughters who were leaving their domain and the practice of husbands regarding the vows their wives may bring into the marriage.

3) Revoking a vow without hearing it

Rami bar Chama inquires whether a husband can revoke a vow without hearing it.

Rava attempts to prove from our Mishnah that a husband can revoke vows that he did not hear.

This proof is rejected.

Another unsuccessful attempt is made to resolve this inquiry, this time from the latter part of the Mishnah.

An unsuccessful attempt is made to resolve this inquiry from a later Mishnah.

The Gemara begins another attempt to resolve this inquiry. ■

REVIEW and Remember

1. Do both parts of a Baraisa necessarily have to teach something?
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2. Can a husband revoke pre-existing vows?
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3. How does a husband annul a vow he did not hear?
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4. Can a husband appoint someone to annul his wife's vows?
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לז"נ ר' אלימלך דב בר ר' דוד קליין, ז"ל
תנדב ע"י בנו ר' מאיר זאב ומשפחתו שיחי

Distinctive INSIGHT

Does the husband have to hear the oath in order to nullify it?

ושמע אישה דווקא הוא או לאו דוקא הוא

In the Gemara, Rami bar Chama analyzes the details of the rights of the husband to nullify the oath of his wife. The verse describes a situation where the husband heard that his wife pronounced a neder, and he was silent that entire day. After a full day of silence, the neder becomes sustained. If, however, the husband nullifies the neder, it becomes nullified. The Gemara probes whether a nullification on the part of the husband is valid even without his having heard the neder. ר"ן explains that the case is where a father proclaimed, "I revoke any vows my daughter might have made." The verse in the Torah states that the husband has the option to nullify the oath of his wife "when the husband hears [the oath]." The question is whether it is critical that the husband actually hear the vow, or whether he can nullify a vow generally, as ר"ן explained.

The Rishonim point out that the question of the Gemara also applies as well to a case where the father nullifies an oath of his daughter.

The תפארת ציון notes that the verse describes the case of the father (Bamidbar 30:5) before that of the husband (ibid. v.8), which prompts the question why does the Gemara present its inquiry in terms of the husband? He answers that logically, we would assume that an oath can be nullified by the father or husband without their hearing it. The Torah's stating "and he heard the oath" should not be critical (which is, in fact, the conclusion of the Gemara on 73a). The problem is that the Torah repeats the phrase "and her husband heard" (Bamidbar 30: 8 and 12). We might think that because the Torah repeats this detail, the lesson is that the husband must hear the oath before responding to it. Once this detail is established, we would then know that the father also may nullify the oath of his daughter without hearing it. This is because in the verse (ibid. v. 17) "between and man and his wife, between a father and his daughter," the Torah associates the laws of the father with those of the husband. However, due to the fact that the Torah's repetition of this detail is found in reference to the husband, Rami bar Chama expressed his inquiry in terms of the husband, probing whether this detail is critical or not. ■

HALACHAH Highlight

Appointing an agent to sanctify an object

האומר לאפוטרופוס כל נדרים שנודרת אשתו...הפר

If a man instructs a guardian, "All the vows that my wife may take... [You should] annul..."

Maharit¹ writes that a person cannot appoint someone as an agent to sanctify an object because the declaration of sanctity involves words and one cannot appoint an agent for something that only involves words – **מיילי לא מימסרי לשליח**. Rav Shmuel Landau² writes at length in astonishment about this opinion of Maharit. The principle that one cannot transfer words to an agent means that one agent cannot appoint another agent to replace him since it would involve transferring words, i.e. the instructions that he received from the principal, but there is no restriction for the principal to initially appoint an agent to perform a task that only involves words like appointing him to verbally sanctify an object. To support his assertion Rav Landau cites our Gemara that discusses whether one can appoint a guardian to revoke any vows that his wife may take. R' Yonason maintains that the guardian is empowered to revoke the vows of the principal's wife based on the principle that a person's

agent is like himself, whereas R' Yoshiah holds that the agent may not revoke the vows of the principal's wife because a pasuk indicates that only the husband is authorized to revoke his wife's vows. We see from this Gemara that all opinions agree that at least in theory a man can appoint a guardian to revoke his wife's vows even though the agency does not involve anything more than words.

One authority³ suggested that the dispute in our Gemara follows the opinion of R' Meir who maintains that one can transfer words to an agent but Maharit is discussing the halacha from the way we pasken which is like R' Yosi who maintains that one cannot transfer words to an agent. Accordingly, Maharit's position is not refuted by our Gemara. Rav Landau⁴ rejected this approach because there are numerous times that the Gemara cites this dispute as a challenge regarding other matters and if this dispute was not in accordance with halacha it would not be cited to challenge other positions. ■

1. שו"ת מהרי"ט ח"א קכ"ז ומובא דבריו בפת"ש יו"ד סי' רנ"ח סק"א
2. מובא דבריו בשו"ת נודע ביהודה מהדר"ת יו"ד סי' קמ"ז
3. דברי השואל בשו"ת שיבת ציון סי' צ"ד
4. שו"ת שיבת ציון הנ"ל ■

STORIES Off the Daf

Messenger service

מציינו בכל התורה כולה שלוחו של אדם כמותו

It was a time of war and everyone suffered. Travel was exceedingly dangerous. No one could be sure what the future would bring or what the final outcome of the war would be, even who would live and who would die. During the height of the war, a certain young woman lost her husband. Since he had died childless, she required the release of chalitzah from her brother-in-law. Unfortunately, he lived in a distant city. Travel meant literally taking a risk with one's life. A person who had no choice might face the danger, but most avoided it if they could.

This situation continued for quite some time. Neither the widow nor the brother was willing to risk all for the freedom to marry. However, it was very hard for the widow, who was very talented and wished to marry someone from the community. After all, she was not getting any younger. The brother was perfectly amenable, but there was nothing that could be done, no way out of the difficulty.

Eventually, she decided to ask advice about what could be done. After all, sometimes things are permitted when one wouldn't have thought it possible. Perhaps a Rav could find some way she hadn't considered to free her?

She consulted someone who was a caring and good person, but was not such a scholar. Although he had learned Torah, practical halachah was

unfortunately not his strong point.

He told her that he thought he saw a way to solve her problem. "The Gemara says in Nedarim 72 and in many other places, **שלוחו של אדם כמותו** – a person's emissary has the same halachic status as himself. Why not send a messenger to him and request him to delegate a messenger to do the chalitzah for him? Why should this case be any different than the rest of the Torah?"

They decided to ask the Nosei Ha'efod if this was permitted. The Posek responded, "According to all the Rishonim, chalitzah may not be done via messenger. I am sorry but there is no rabbinic way around this. She will just have to wait until the war is over and the roads are safe again to perform chalitzah!" ■

