



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Nedarim Daf Ayin Beis

- **Q:** If the husband hears about the neder and then divorces his wife, is the act of divorce considered as a silence, or is it considered to be a confirmation? The practical difference would be where he then remarried her on the same day. If the divorce is considered to be silence, he can still be meifer the neder. If it is considered to be a confirmation, he cannot be meifer. **A:** A Braisa says, there are times when the power of the husband to be meifer transfers to the father. For example, if the husband died before hearing about the neder, or after having been meifer the neder, or if he heard and was silent and died before saying anything about the neder. Now, if a divorce is like silence, the Braisa should list it as an example as well! It must be that divorce is an act of confirmation.
  - The Gemara says, there is no proof from this Braisa, because the next part of the Braisa says, if the husband heard and he confirmed the neder, or he was quiet and died the next day, the father cannot be meifer. Now, if divorce is like confirmation, the Braisa should give divorce as an example as well!? Therefore, we can't bring a proof from this Braisa, because we can't tell which part of the Braisa gives a purposeful inference, and which is not be used to learn the inference.
  - **Q:** Maybe we can answer the question based on our Mishna. The Mishna said that if a girl makes a neder and is then divorced that day and enters into a new eirusin that same day, the father and the last husband may be meifer her neder. Now, if divorce is a confirmation, the later husband could not be meifer! **A:** It may be that the Mishna is discussing where the first husband did not hear about the neder before the divorce.
    - **Q:** If that is so, why does the Mishna say that the divorce and new eirusin happened "on that same day"? Even if it happened many days later they could still be meifer!? **A:** The case is where the father heard about it, but not the first husband. Therefore it must happen on that day, because the father has already heard.
  - **Q:** Maybe we can answer based on another Mishna. The Mishna says, if a girl made a neder on the day of her marriage, and her husband divorced her that day and then remarried her that same day, he can no longer be meifer. It must be that an act of divorce is considered to be a confirmation! **A:** This Mishna is discussing a case of nissuin (not eirusin), and the reason the husband cannot be meifer is because a husband after nissuin cannot be meifer a neder that took place before the nissuin.

### MISHNA

- It is the practice of talmidei chachomim that before their daughter leaves their reshus (before entering into nissuin) he says to her "all nedarim that you have made while in my reshus are mufar". So too the husband, before entering into nissuin would say to his wife "all nedarim that you have made before entering my reshus are mufar", because once she enters his reshus he can no longer be meifer the nedarim that were said before the nissuin.

### GEMARA

- **Q: Rami bar Chama** asked, can a husband be meifer a neder before actually hearing about it? When the pasuk says "v'shama ishah" ("and her husband hears"), is that to be taken as a literal requirement, or not? **A: Rava** said, our Mishna says that the talmidei chachomim fathers would say that all nedarim should become mufar, and it is effective even though he has not yet heard the nedarim.

- **Q:** Maybe it only becomes mufar when the father actually hears the neder and is meifer then a second time? **A:** If so, why does he have to make that statement the first time altogether?!
  - It may be the Mishna is just teaching that the talmidei chachomim would look into the matter to see if their daughters had made any nedarim so that they could then be meifer the nedarim. However, the first statement is truly ineffective.
- **Q:** Maybe we can answer this from the next part of the Mishna, which says that the husband would be meifer all the prior nedarim without having actually heard the nedarim? **A:** Here too, we can say that he means that when he hears the actual nedarim he will be meifer them.
- **Q:** Maybe we can answer from a later Mishna. The Mishna says, if a man is planning to travel out of town and tells his wife “all nedarim that you make from now until the time that I return should be confirmed”, it is not an effective confirmation. If he says “all the nedarim should be mufar”, **R’ Eliezer** says it is a valid hafarah. Now, he has not heard the nedarim, and yet we see that he can be meifer them!? **A:** Here too, we can say that he means that when he hears the actual nedarim they will be mufar.
  - **Q:** If so, why does he need to state now that he will be meifer them? Let him just be meifer them when he hears them later on!? **A:** He is concerned that he will be busy with other matters at the time and will forget to be meifer then.
- **Q:** Maybe we can answer this from a Braisa. The Braisa says, if a person sets up an administrator over his affairs for when he travels, and instructs the administrator to be meifer the nedarim that his wife makes while he is away, **R’ Yoshiya** says that he cannot be meifer, because the pasuk says “her husband shall confirm and her husband shall be meifer” – teaching that no one can take the place of the husband. **R’ Yonason** said, we find all over the Torah that a person can set a shaliach to take his place, and this should be no different. Now, even **R’ Yoshiya** doesn’t allow this to happen only because the pasuk teaches that it may not be done. However, he has no problem with the fact that a neder is becoming mufar without the husband having heard the actual neder! **A:** Here too the husband may mean to say “when I return and hear the neder, be meifer those nedarim”.
  - **Q:** If so, why does he need to state now that he will be meifer them? Let him just be meifer them when he hears them later on!? **A:** He is concerned that he will be busy with other matters at the time and will forget to be meifer then.