

15.10.5; 71b (איבעיא להו) → 73a (לבדה)

1. ושמע אישה ביום שמעו והחריש לה וקמו נדריה ואסרה אשר אסרה על נפשה וקמו: במדבר ל, ח
 2. כל נדר וכל שבעת אסר לענת נפש אישה וקימוהו ואישה יפרנו: במדבר ל, יד
 3. ואם ביום שמע אישה יניא אותה והפר את נדרה אשר עליה ואת מבטא שפתייה אשר אסרה על נפשה וה' יסלח לה: במדבר פרק ל פסוק ט
 4. והשקה את האשה את מי המרים המאירים וכאו בה המים המאירים למרים: במדבר ה, כד

- I Question posed about הדר – is divorce considered קיום or just silence?
- a Split the difference: if he heard, was silent, divorced her and took her back the same day – can he reject the נדר?
- i Attempted proof: תוספתא (dealt with above) detailing the parameters of התרונה
- 1 Proof: since רישא doesn't mention divorce along with silence → divorce must be = קיום
 - 2 Rejection: same "narrow" read of the סיפא leads to the opposite conclusion
 - 3 Rather: that תוספתא cannot be a proof; either the רישא or the סיפא is narrowly constructed and the other is loosely constructed in order to be symmetrical with other half
- ii Attempted proof: our משנה – if she was divorced, the latter fiancé may still reject the נדר
- 1 Implication: divorce = silence (since otherwise the latter fiancé couldn't reject it)
 - 2 Rejection: perhaps in that case, the first fiancé never heard the vow
 - (a) Challenge: if so, why limit it to the same day – he has until the day he hears of it
 - (b) Answer: it is the day that the father heard
- iii Attempted proof: ברייתא – if he divorces her and takes her back on the same day, he can no longer reject the נדר
- 1 Implication: divorce = הדר = קיום
 - 2 Rejection: perhaps in that case he fully married her on the same day – and a husband cannot reject vows from before the marriage (as opposed to a fiancé, who may do so)
- II משנה ד': custom of תלמידי חכמים regarding their daughters and wives
- a as father – before daughter leaves his domain, he rejects all נדרים she may have taken
- b as husband – before wife enters his domain, he rejects all נדרים she may have taken beforehand
- i reason: once he marries her, he has no purview over pre-existent נדרים (בקודמין)
- c related questions of רמי בר חמא
- i can a husband reject נדרים that he hasn't heard (analyzing necessity of phrase in v. 1)
- 1 attempted resolution: our משנה – after all, he never heard the vow
 - (a) rejection: perhaps he has to reject each of them again when he hears them
 - (i) block: if so, what is the import of this declaration?
 - (ii) Defense: demonstrates that ת"ח initiate such a conversation to provoke her to admit to נדרים
 - 2 Attempted resolution: from 2nd clause in our משנה
 - (a) Rejection: perhaps, here also, he has to reject again when he hears them
 - 3 Attempted resolution: next משנה – a man's ability to set up הפרה-in-advance (in anticipation of a journey) is subject to a dispute (ר"א/רבנן) – so he doesn't need to hear them for הפרה
 - (a) Rejection: perhaps he has to reject each one when he hears it
 - (i) Block: then why make the statement – let him reject it when he hears it
 - (ii) Defense: he is concerned that he may be occupied at the time
 1. Note: in other words, the הפרה is invalid until he hears it, but according to ר"א, he may make the הפרה in advance
 - 4 Attempted resolution: dispute between ר' יאשיהו/ר' יונתן as to whether a husband can appoint a trustee to reject his wife's נדרים while he's gone
 - (a) Con: ר' יאשיהו, following v. 2, notes that it must be the husband himself
 - (b) Pro: ר' יונתן, following general rule – שלוחו של אדם כמותו –
 - (i) Note: all seem to agree that husband doesn't need to hear the נדר
 - (c) Rejection: perhaps he has to reject each one when he hears it
 - (i) Block: then why make the statement – let him reject it when he hears it
 - (ii) Defense: he is concerned that he may be occupied at the time
- ii Can a deaf man reject his wife's נדרים
- 1 Lemma1: perhaps he needs to be able to hear, as per conceptual rule of זירא ר' זירא
 - 2 Lemma2: since the husband may not have to hear the נדר to reject it, he may also reject it
 - 3 Answer: v. 1 excludes the wife of a deaf man (מדרש הלכה)
- iii Tangential question: may a husband reject vows of his two wives as one? (is אותה in v. 3 to be read narrowly?)
- 1 Answer: dispute as to whether אותה (implicit in v. 4) is read narrowly or not in re: השקייט סוטה