



# THE שבוע MATTERS

לע"נ ברוך בענדיט וברכה גרוס ע"ה  
by Mr. & Mrs. Duvy Gross

## שבת קודש פרשת וישלח

מסכת יבמות דף כ"ט

לענן לאה חנה בת חיים

### Insights from our Chaburos

#### Rebbe Eliezer Allows One of the Brothers to Nullify the Vow

בשלמא לחד מפיר אלא לתרי אמאי  
The Gemara is analyzing the view of Bais Shammai that through creates the yevama is acquired to the yavam. The question is whether this bond is comparable to אירוסין or נישואין. The applied circumstance where this distinction would be of interest is in regard to חופה—מסירה לחופה—giving her to the yavam for חופה. If the מאמר is as נישואין, the woman at this point does not have to express her consent in order for the yavam to take her as a wife. If, however, the מאמר is only אירוסין, the yevama must still consent before being taken into the domain of the yavam. A resolution of this inquiry is brought from the Mishnah in Nedarim 74a, where we find a three-way dispute regarding the law of who can nullify a vow of a yevama who is waiting for yibum. Rebbe Eliezer is of the opinion that even if there are two surviving brothers, either one may nullify the vows of the yevama. The Gemara realizes that this opinion is problematic. Even if Rebbe Eliezer holds יש יקד, thus enabling the brother(s) to nullify a vow, this connection should apply to both of the remaining brothers, and they should both be necessary in order to nullify a vow. Why does Rebbe Eliezer allow any one of them to have this privilege? It must be, explains Rebbe Ami, that the one brother did מאמר, and that Bais Shammai holds that מאמר is as נישואין. This is why the one brother can nullify the vow by himself. The Rishonim note that the Gemara seems to know as a certainty that Rebbe Eliezer holds that the brothers do not nullify the vow of the yevama together (as partners), but that any one of them may do so independently. Where is this indicated in the Mishnah? Rashi explains that it is because Rebbe Eliezer says יפר in the singular and not יפרי in the plural. Ramban explains that from the very fact that Rabbi Yehoshua argues and only allows a yavam to nullify the vow by himself when he is the only surviving brother, it must be that Rebbe Eliezer holds that a brother may act alone even if there are others, beside him. Rashba also explains that the singular form “יפר” can only make sense if it refers to the one brother who did מאמר. Now that the woman has left her father’s domain, the one brother can act on his own to nullify her vow. Before מאמר is given by one brother, the expression used should have been plural (יפרי), as both brothers were equally involved.

### Stories off the Daf

#### Three Brothers

על זה אומרים אוי לו מאשתו אוי לו מאשתו אוי לו מאשת אחיו

On this week’s daf, we are presented with a situation involving three brothers: one single, and two who had married sisters. When one of the married brothers died, the single brother gave the widow מאמר. At that point, his second brother died, leaving him in a quandary. According to Beis Hillel, the surviving brother must give his wife a divorce followed by chalitzah, and must perform chalitzah with the second widow as well. “Woe to him for losing his own wife, and also for losing the wife of his brother!” Toward the end of the life of Rav Shmuel Salant, zt”l, the Rav of Yerushalayim begged the communal leaders to appoint Rav Yosef Chaim Sonnenfeld, zt”l, in his stead. He warned that if they waited to do so, the Maskilim would make irreversible inroads into the holy city. Sadly, the parnassim waited fifteen years until they finally fulfilled Rav Salant’s wish and appointed Rav Yosef Chaim as his replacement. Any religious sensibility that was maintained was almost solely due to Rav Yosef Chaim’s uncompromising stance, especially with regard to the curriculum of the schools. In those days there was very little money in the old yishuv, and people were literally starving. Into the breach stepped the wealthy Maskilim of Europe, who were eager to sponsor a new brand of cheder that would meet “progressive” educational standards. Rav Yosef Chaim was staunchly opposed and went so far as to excommunicate anyone who would dare place their child in the new cheder. Not surprisingly, virtually all of those who attended the cheder received an excellent secular education and then left the fold entirely. The famous Zionist leader, Chaim Weizmann, worked assiduously to convince Rav Sonnenfeld to allow the religious youth to attend the new schools. The Rav paid no heed to Weizmann’s promises and refused to lift the ban. At one of their meetings, a third party attempted to bring them to a compromise. Dr. Weizmann answered the man’s arguments, “I know my own position, and although I disagree, I understand the Rav’s. What about you, though? You don’t seem to be from my camp and yet you don’t seem committed to the Rav’s point of view either. By trying to join us, all you’ve done is manage to prove that you don’t belong to either of us!

### Parsha Connection

In this week’s daf, the Gemara makes a reference to young (under 12 years old) sisters who married brothers and became יבמות. If they were married by their mother or brother they can annul the marriage when they come of age. In this week’s Parsha we read “So Shechem said to his father Hamor, “Get me this girl as a wife.” Although Dina is called a young lady earlier, she was under the age of 12, which is why he needed Yaakov’s consent. The brothers required everyone in town be circumcised and set this as a condition for letting him marry Dina. Why wasn’t it enough for Shechem alone to get circumcised? The Mishna in Nedarim (3,11) states that one who vows not to benefit from the uncircumcised may not benefit from any non-Jew, even one who is circumcised. However, he may benefit from ALL Jews, even one who is uncircumcised. The reason for this is as follows: when one says uncircumcised, he means non-Jews. The brothers used the same argument with Shechem, that unless everyone converts and becomes Jewish, just circumcising one individual will not suffice. (Based on the Alshich Hakadosh). CONTINUED ➔

## Halacha Highlight

### Vows Taken Under Duress

כל נודרת על דעת בעלה היא נודרת  
*Any woman who takes a vow, takes that vow subject to the consent of her husband*

It happened once during World War II that a group of people was fleeing from Hungary to Austria and some confusion arose concerning their location and they mistakenly thought they were in grave danger. A woman in the group took a vow that if they escape safely she will give all her jewelry to tzedaka and in the midst of all the confusion, her husband did not respond to her vow. A short while later when they realized they had already crossed the border and were safe the husband declared her vow annulled. Some claimed that the husband's annulment was invalid since he should not be able to annul a vow taken under duress (בצרה). Rav Yitzchok Yaakov Weiss<sup>1</sup>, the Minchas Yitzchok, cited a similar question addressed by Rav Yechezkel Landau<sup>2</sup>, the Noda B'Yehudah. Noda B'Yehudah ruled that a husband is authorized to annul his wife's vows even if they were taken under duress. A second matter addressed by Noda B'Yehudah was whether the woman had the authority to pledge to charity something that is not hers since all her possessions legally belong to her husband. Accordingly, Minchas Yitzchok ruled that since the husband declared the vow null and void and it is not clear if she could even make a vow on property that is not hers, the vow is not binding. Nevertheless, he wrote that the couple should donate, according to their means, an appropriate sum to tzedaka since a woman is authorized to pledge a "small amount" to tzedaka. Therefore, on the amount that she is authorized to pledge only one of the two factors will apply and it is not clear that the vow could be considered annulled. There are those<sup>3</sup> who point to the question of Tosafos Yeshanim<sup>4</sup> as proof that a husband may annul his wife's vows even if they were taken under duress. Tosafos Yeshanim questions the necessity for a parsha to authorize a husband to annul his wife's vows when our Gemara declares that when a woman vows she takes that vow subject to her husband's consent. Since Tosafos Yeshanim did not resolve this inquiry by stating that the parsha is necessary to allow the husband to annul his wife's vows taken under duress it is evident that the husband is authorized to annul those nedarim as well.

1. שו"ת מנחת יצחק חב ס"י ע"ח

2. שו"ת נודע ביהודה תנינא י"ד ס"י קנ"ט

3. ע"י פניני הלכה לדרך ל: (עמ' כב) בספר מתיבתא ליבמות

חב דה ויש

ד. דה כל הנודרת

## Mussar from the Daf

### Being Machmir on Shalom Bayis

שומרת יבם בין יבם אחד בין שני יבמין ר"א אומר יפר ר' יהושע אומר לאחד ולא לשנים ר' עקיבא אומר לא לאחש ולא לשנים

The Gemorah brings the opinion of R Yehoshua who holds that even though a yevam has the ability to mefer (annul) the yevama's neder, two yevamin cannot. Why not? The Ritva answers that when the woman makes the neder, she makes it based on her specific husband, and not based on "a husband, whomever he may be" (as in our case of 2 yevamin). If she doesn't know who her husband is, she will not make it with any husband in mind. Why is that? Why can't she just say whomever my husband is? Perhaps the answer is that a woman has her specific husband in mind because she is careful only to take on something that will not irritate him or negatively affect their relationship. She knows his personality, his likes and dislikes, and is only taking on this neder because she thinks it won't affect him in a negative way. This could be the pshat in the Gemorah on 29b that any woman who makes a neder does so on the daas of her husband. This is a very important lesson to remember in a relationship. Whatever Chumrah one takes on for themselves, they first have to think: how is this going to affect the other? Is this something that will cause problems in the relationship and potentially cause pain to the other? The Torah signals towards this sensitivity by giving the husband the ability to be mefir his wife's neder when it affects the relationship. The Torah doesn't want the wife to take any new issurim if at the expense of their relationship.

### Point to Ponder

The Gemara discusses מצוה איסור according to שמעון רבי this refers to two brothers who married two sisters and died childless. The surviving brothers can't do Yibum with either sister, but if one of the sisters can't marry one of the brothers because of מצוה איסור she needs Chalitzah. An איסור מצוה as explained earlier (Daf 20) is a divorcee to a Kohen. Since all brothers must be Kohanim (all share the same father), how can a divorcee be able to marry one brother but not the other??

### Response to last week's Point to Ponder

The Gemara discusses why יוחנן ר' said that he doesn't know who authored the Mishna of sisters. One suggestion is that since it is איסור אסור we are afraid that after one brother does yibum with one sister, his brother will die before doing yibum with the second sister. The Gemara responds that this cannot be the explanation, since יוחנן ר' is not concerned that someone will suddenly die. Since יוחנן ר' is an Amora, why can't he say that the Mishna was authored by someone who is concerned with sudden death? Can't it be that someone disagrees with יוחנן ר'?

Although there is a (יומא א"א) רבי יהודה who is concerned with the possibility of death, we don't find any Mishna that rules like this opinion. The Gemara therefore assumes that Rabbi Yochanan, would not interpret our Mishna that way. (See רש"י וריטבא).

ר' יוסף שמואל שמעלקא בר יצחק מערמעלשטיין ז"ל Shelly Mermelstien לע"נ Yevamos has been dedicated in

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