

שבת קודש פרשת ויקהל-פקודי | מסכת נדרים דף ע"ב

INSIGHTS FROM OUR CHABUROS

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

ושמע אישה דווקא הוא או לאו דווקא 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"ז 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"ז 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 הפארת 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 presents 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.

PARSHA CONNECTION

In this week's daf the גמרא says that if a lady got divorced and remarried the same day even 100 times her father and last husband could be נדרים מיפר her. The number 100 is also the number of אדנים which held up the משכן. Regarding the אדנים the Possuk

(שמות פרק לח פסוק כז) says:

ויהי מאת ככר הכסף לצקת את אדני הקדש ואת אדני הפרכת מאת אדנים למאת הככר ככר לאדן. If the intent was to say that the 100 ככר which was donated was used for the אדנים the מאה אדנים should have stopped after saying אדני הפרכת. But it continues with two perplexing statements. One statement says that the 100 אדנים were for the מאת ככר which seems redundant because it repeats the previous statement, and it's not the way one would normally describe the usage. It's not ככר for the silver, but rather the silver for the אדנים. Second, why does it add לאדן ככר? We know that 100 divided by 100 is one and since there were 100 אדנים each was a ככר. The הקדוש has a fascinating explanation: when giving an account of this nature its very difficult to prove that everything was used properly. Since normally there is some loss of metal in the smelting process, people may still have doubts about the actual usage, because they may assume that the loss is more than what usually occurred. Here the פסוק is telling us that a miracle took place and the amount of raw metal that was donated was exactly the same amount after it was made into אדנים. That's why it says 100 אדנים בככר, meaning it weighed exactly the same as before. In addition, each אדן was exactly a ככר which again is a miracle, because normally there are slight discrepancies between the items. This is why it adds לאדן ככר משכן העדות פשט meaning each one was exactly the same. This adds an additional פשט because the משכן itself testified that every single item was used with full integrity.

STORIES OF THE DAF

Messenger Service

מצינו 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, 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!"

HALACHA HIGHLIGHT

Appointing an agent to sanctify an object

האומר לאפוטרופוס כל נדרים שנודרת אשתי...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 –

מילי לא מימסרי לשליה 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 מהר"ט ח"א קכ"ז ומובא דבריו בפת"ש יו"ד סי' רנ"ח סק"א
2. מובא דבריו בשו"ת נודע ביהודה מהדו"ת יו"ד סי' קמ"ז
3. דברי השואל בשו"ת שיבת ציון סי' צ"ד
4. שו"ת שיבת ציון הנ"ל

MUSSAR FROM THE DAF

ואי אמרת גירושין בהקמה דמור... שמע מינה: גירושין כשתיקה דמור.

If you say that divorce is like ratification,..... learn from the baraisa that divorce is like silence

The Gemara in Nedarim (72a) discusses a fascinating case. An ארוס hears the neder of his ארוסה and immediately divorces her. The Gemara asks how to interpret this divorce in relation to the neder. Do we view the divorce as a form of הקמה—that by divorcing her he is effectively upholding the neder? Or do we say that the divorce is neither הקמה nor הפרה, but simply a separate act that has no halachic expression regarding the neder?

Perhaps the two sides of the Gemara reflect two different expressions of שנואה that can exist within a person.

The Shita Mikubetses quotes the Ritz, who explains the reasoning behind the possibility that divorce could be considered a full הקמה. The husband harbors inner שנואה toward this woman, which is why he wishes to divorce her. That inner hatred may also express itself in his willingness to allow her neder to stand. And the Gemara later teaches (79a) that the הקמה counts as a הקמה. The Gemara earlier teaches, one who makes a neder is considered as if he has built a במה. Allowing such a neder to remain may reflect an aggressive stance—almost a willingness to let the other person remain in a spiritually harmful state. This represents a form of sinah that lashes outward, where one actively harms or undermines the other.

What would be the שנואה on the other צד of the הקירה? The other side of the Gemara may reflect a different type of שנואה entirely. Sometimes hatred does not express itself through aggression but through withdrawal. A person pulls back, disengages, and becomes indifferent -אדישות, apathy toward the other. In this form of שנואה, the husband neither upholds nor annuls the neder. He simply detaches himself completely.

From here we see the destructive power of שנואה. It can manifest in two opposite ways -Lashing out and hurting another person or pulling back in cold indifference and disengagement.

Both forms are deeply damaging. While one side is clear, the other צד can camouflage itself and make it seem that all is ok. The Torah teaches that אדם יושב ואלוהים יתרחק--and we must therefore distance ourselves from both expressions of האנש, striving instead for empathy, connection, and genuine care for one another.

POINT TO PONDER

The Gemara asks whether a בעל can be מופר without hearing the נדר. Would the same question apply to the הקמה? Or is it only relevant for הפרה.

Response to last week's Point to Ponder:

The משנה says that if a lady is engaged and gets divorced and becomes engaged again the same day, her father and last חתן can undo the נדר together. How can she get engaged again the same day, shouldn't she have to wait three months for הבחנה?

The ריטב"א writes that the משנה doesn't mean that such a scenario is proper, rather it is saying that if something like this were to happen these are the ramifications regarding her נדרים.

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Yitzchok Gutterman, please visit our website, dafaweek.org, or download the app

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