

שבת קודש פרשת ויקרא | מסכת נדרים דף ע"ג

INSIGHTS FROM OUR CHABUROS

At what point does the husband begin support for his wife?

בוגרת ששהתה שנים עשר חודש ואלמנה שלשים יום, רבי אליעזר אומר הואיל ובעלה חייב במזונותיה, יפה

Most Rishonim explain that the husband is obligated to furnish his future wife with provisions once twelve months have elapsed from the time he proposes to marry her (שעת תביעה לינשא). However, Rashi to Kesuvos 57a (ד"ה נותנון) writes that the twelve months is counted from the time the husband informs the woman to prepare for the חופה. The interval of twelve months is provided for a נערה, a girl up to age twelve and a half years old.

The timeframe for a בוגרת is only thirty days from the moment the אירוסין was set. In this context, a בוגרת refers to a girl who has already been a בוגרת for twelve months. The reason she is given less time than a נערה is that we assume that she has already anticipated that she would soon be married, and that she prepared ahead of time in order not to be delayed when the time to marry would come (Rashi, ibid.).

The Rishonim offer different opinions regarding the halacha of בוגרת. Tosafos, Ritva, and Meiri explain that the timeframe is scaled back to thirty days only if the kiddushin itself was offered to her as when she was already a בוגרת. If, however, she received kiddushin as a נערה and later became a בוגרת, she is given a full twelve months. Rambam (Hilchos Ishus, 10:17) and Tur (E.H. 56) rule that the lead time given to a girl is not counted from the time of kiddushin, but rather from the time the husband informs her to prepare to be married (תביעה).

If he alerts her when she is a נערה, she is given up to a full twelve months, even if she became a בוגרת in the interim. If twelve months have passed since she had been a בוגרת and the man gives her kiddushin, she is given only thirty days to prepare herself.

PARSHA CONNECTION

In this week's daf the גמרא uses a reference from מנחות of לבילה כל הראוי לביילה which means that as long as you can mix the oil into the מנחה it's okay even if you don't actually mix it. The פרשה starts with קרבן מנחה and the Possuk (ויקרא פרק ב פסוק א) says:

ונפש כיייתקריב קרבן מנחה לה' סלת יהיה קרבנו ויצק עליה שמן ונתן עליה לבנה

Chazal say that the reason why it says ונפש is because the one who brings a קרבן מנחה is usually a poor person and for them it is a big undertaking to bring a קרבן which is like sacrificing their soul. The פרשה starts with a קרבן בהמה followed by a קרבן עוף and finally a קרבן כלי יקר. The מנחה explains that this order represents the frequency and/or likelihood of these קרבנות being brought. A wealthy person is more likely to sin, like it says וישמון ישורון ויבעט and the ניסיון of a rich man is much bigger than a poor person. Therefore the פרשה starts with the קרבן of a rich person who can afford a large animal, followed by one who can only afford a sheep, than one who can only afford a bird, and finally the מנחה which is brought by the very poor person. The מנחה has to be מצה because מצה represents someone who is very humble just like a מצה which doesn't rise. Finally because the עני is constantly looking to the הקב"ה to help him, and has a purer heart his קרבן is called קדוש קדושים מאישי meaning that it's holier than the previous קרבנות which are brought by people who have greater means.

STORIES OF THE DAF

The oaths of two wives

ת"ש בעל מהו שיפר לשתי נשיו

There was a time when people would make many vows when things were emotionally charged. Subsequently, they would cool down and regret their rashness. They had no choice but to go to a chacham who would help them if he could. A certain chacham wondered if he could annul two or three people's vows at the same time, or a number of different vows made by the same person. But he doubted himself - perhaps each vow required a separate annulment?

He consulted the Ramban, zt"l, on this matter who said, "It is definitely permitted to annul many vows of one person by saying 'מותרים לך,' or the vows of many people by saying 'מותר לכם.' The only time when something similar is questioned is regarding the husband's annulment of the vows uttered by more than one wife at one time. The Gemara in Nedarim 73a states that although the sages held that one can annul the vow of two wives at once, Rav Yehudah prohibits this because of a גזירת הכתוב.

The Ramban continued, "Even Rav Yehudah would concede, however, that one may annul the vows of several people at once since the גזירת

only discusses wives. As far as your second question is concerned, whether one may annul many vows made by the same person at once is clear from Nedarim 72. There, the Mishnah states that a chacham annuls all his daughter's vows before she leaves his jurisdiction by saying, 'all vows you made in my house are annulled.' Similarly, a husband annuls all the vows that his wife made before their marriage in a single stroke."

HALACHA HIGHLIGHT

A woman who does not wish to subject her vow to the approval of her husband

כל הנודרת על דעת בעלה היא נודרת

Any woman who takes a vow does so subject to her husband's consent

Ritva¹ writes that the principle, “Any woman who takes a vow does so subject to her husband’s consent,” means that when a woman takes a vow she makes it dependent upon her husband’s approval. In other words, her intention is that the vow should be binding as long as her husband does not revoke the vow and it is treated as though this was explicitly stipulated. For this reason a husband is authorized to revoke the vows of his wife even if the marriage is only Rabbinically recognized. The reason is that this principle relates to her intent at the time of the vow rather than being a principle that the Torah subjects a woman’s vows to the approval of her husband. According to this approach, notes Ritva, one could suggest that if a woman explicitly stipulates that she wants her vows to be binding even if her husband revokes the vow it should be binding. Two responses can be given to this challenge. One response is that even when she makes this stipulation we attest to the fact (אנן סהדי) that she does not intend to make a vow that would be opposed by her husband. Secondly, once the Torah authorizes the husband to revoke his wife’s vows we do not make distinctions between vows and he is authorized to revoke all vows.

It is evident from these comments of Ritva that even if a woman states explicitly that she is not subjecting her vow to the consent of her husband, nonetheless, he is authorized to revoke her vows. Chazon Yechezkel² writes explicitly that according to the first explanation of Ritva a woman who is married, even Rabbinically, subjects her vows to the consent of her husband even if she states that she does not want her husband to have the authority to revoke her vows. On the other hand, Aruch LaNeir³ cites the rulings of Tashbatz that if a couple is only Rabbinically married and the wife states explicitly that she is taking a vow without subjecting it to the approval of her husband he may not revoke her vow.

1. חידושי הריטב"א למס' גיטין פג ד"ה כל
2. חזון יחזקאל נדרים פ"ו ה"ו
3. ערוך לנר נדה מו

TALES AND TEACHINGS FROM THE DAF

Eizer Kinegdo

On this daf, we find one reason why the Torah gave a husband the ability to annul his wife’s vows. Generally, a wife vows on condition that her husband will approve. This is the natural state of a good wife, as we find in Tana Devei Eliyahu—also brought in Shulchan Aruch—that a good woman carries out the will of her husband.

One couple got engaged but then realized that they had a serious problem. The kallah wished to live near her family in France, while the chosson wanted to move near his parents’ home in England. They agreed to consult with Rav Chaim Kanievsky about this difficulty. He wrote them that we find in Nedorim 66 that when a wife did her husband’s bidding, she was blessed to have two children who were tzaddikim and blessed them that they should also merit this. When the kallah heard his reply, she acquiesced to her husband’s desire and they married and moved to England. A year later, she gave birth to twin boys (Menucha Shleimah).

POINT TO PONDER

The Gemara says *quotes רבי פנחס who says that when a lady makes a נדר she makes it בעלה על דעת בעלה. What would happen if she says explicitly that she is making a נדר regardless of what her husband says? Meaning that she is not doing so “if” he agrees, but even if he doesn’t.*

Response to last week’s Point to Ponder:

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

The חתם סופר writes that the גמרא did not have any question regarding the הקמה because the פסוק is very clear that he has to hear the נדר.

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