

**שבת קודש פרשת צו | מסכת נדרים דף ע"ד**

**INSIGHTS FROM OUR CHABUROS**

**Who can nullify the oath of a woman awaiting yibum**

**T**he discussion in the Gemara provides us with two approaches in understanding the opinion of Rabbi Akiva that a yavam cannot nullify the vow of the yevama before performing yibum. One approach is that he holds that there is no significant legal connection between a yavam and his yevama—אינן זיקה. Whatever legal association there might be between them, it is not enough to be considered as an אירוסין, and the yavam has no power to nullify the vows of the yevama.

The other approach recognizes that even Rabbi Akiva agrees that we say יש זיקה—there is a legal association between the yavam and the yevama. However, this connection does not translate to enabling the yavam to nullify oaths, as we find regarding a regular ארוס and ארוסה. The difference between these relationships can be illustrated in terms of their relative strengths vis-à-vis other situations. For example, an ארוסה is liable for the death penalty if she commits adultery, whereas a yevama who marries before having chalitzta is only in violation of a negative commandment.

Ran understands that according to Rabbi Akiva, the yavam cannot nullify the oath of the yevama even in conjunction with the father. In this regard, he is weaker than the ארוס. In fact, the Ran here implies that in this case, the father also cannot nullify the oath, as the girl is in line to be married by the yavam, and, as such, she is not under the exclusive jurisdiction of the father. Accordingly, the oath would not be subject to any nullification. However, later (ד"ה כשם, 75a) Ran suggests that he is uncertain whether the father may nullify the oath of his daughter by himself while she is awaiting yibum.

Rambam (Hilchos Nedarim 11:23) rules that a woman who is awaiting yibum does not have her oaths nullified by the yavam and father, as a regular girl who is an ארוסה, but it is the father who alone may nullify the oaths. This is true, he writes, even if the yavam has given the woman מאמר, thus designating her as his wife-to-be. This is also the ruling of Shulchan Aruch (Yoreh De'ah 234:11).

**STORIES OF THE DAF**

**Serving a Chacham**

שלא שמשת את ר"ע

**O**n today's daf, Ben Azai bemoans the fact that he never served Rabbi Akiva who was a very great chacham. Rav Chaim of Volozhin, זט"ל, learned with tremendous diligence from a very young age. By the age of twenty-two, he had already mastered all of Shas and poskim. By the age of nineteen, he had already learned a huge amount and served two of the greatest sages of his generation: Rav Refael Hakohain, זט"ל, and the famous Sha'agas Aryeh, זט"ל. Despite his vast knowledge and dedication, the young Rav Chaim did not rest on his laurels. He knew that he was still a long way to completion and yearned to grow. His greatest aspiration was to serve the man known to be the greatest sage of his generation: he wanted nothing less than to serve the famous Vilna Gaon, זט"ל, himself. But how does one approach the Gaon who never stopped learning in his private room? How can one merit to serve one whom everyone yearns to serve? His family was completely uninterested in his help; for them, serving the Gaon was a privilege and a pleasure.

But the young Rav Chaim who yearned so much for a chance to get close to the Gaon finally saw his chance. A close relative was getting married and the word got out that the Gaon would be attending the wedding in a different city. Perhaps there he would have an opportunity to serve the tzaddik. He decided to travel to the same town for the duration of the Gaon's stay and discovered there that the tzaddik would be the guest of one of the mechutanim. On Erev Shabbos, the mechutan's house was as busy as a beehive. Rav Chaim understood that it was likely that they would forget to prepare warm water for the tzaddik's washing in honor of Shabbos. He attained permission to enter the house and waited with baited breath. Finally, the Gaon opened the door and looked out in an inquisitive fashion, like one who needed something. Rav Chaim immediately asked, "Perhaps I can serve his honor by bringing warm water in honor of Shabbos?" The Gaon agreed, and from this modest start blossomed their thirty-year Talmid/Rebbi relationship!

**PARSHA CONNECTION**

**In this week's daf** the גמרא discusses a יבמה and describes her as *אשה הקנו לו מן*

*"השמים"*, meaning that she is "his" because the תורה has a יבום. We find a similar concept regarding כהונה in the פרשה. First the כהנים were chosen by הקבי"ה to do the עבודה and second what they get to eat from the קרבנות is described as

*"משלחן גבוה כוכו"* which means that they are in a manner of speech eating on the table of the רבש"ע. The פרשה details the laws of a מנחה and the Torah (ויקרא פרקו פסוק י) writes: לא תאפה חמץ חלקם נתתי אתה מאשי קדש קדשים הוא כחטאת וכאשם. The תורה is saying that what the כהנים get is from "my" portion. The תורה then discusses the מנחת כהנים and this is followed by the following תורה לאמר זאת תורת דבר אליהרן ואליבניו לאמר זאת תורת

*Why is this פסוק addressed to the חטאת במקום אשר תשחט העלה תשחט החטאת לפני ה' קדש קדשים הוא addressed to אהרן ובניו and not simply told to משה like the previous קרבנות?*

*The previous two sacrifices were a מנחת ישראל explained that the previous two sacrifices were a מנחת כהן. The two מנחות are different in their consumption. The מנחת ישראל is shared between the מזבח and the כהנים; the מנחת כהן goes on the מזבח while the כהנים eat the rest. A מנחת כהן is sacrificed in its entirety on the מזבח. The מנחת ישראל explains that the כהנים may feel that their מנחה is superior because all of it is sacrificed whereas the מנחה of a ישראל is "shared". This is why this פסוק which equates a חטאת and the עולה is addressed to the כהנים because it demonstrates that both the עולה which is completely sacrificed as well as the חטאת which is "shared" are brought on the same spot and both are*

*This teaches the כהנים that just because their מנחה is "כלילי" doesn't mean that it's in any way superior.*

## HALACHA HIGHLIGHT

### Does the death of a yavam make the widow into a katlanis?

אין היבמה גמורה ליבם כשם שהארוסה גמורה לאישה

*A yevama is not completely acquired to her yavam the way an arusa is completely acquired to her husband*

There was once an incident of a woman who lost her husband and fell to his brothers for yibum. The widow expressed concern for the possibility that if the older brother performs yibum and dies she will be forced to wait for the younger yavam, who was as yet a minor, to mature to be able to do yibum. She therefore requested that Beis Din should compel the older yavam to do chalitzah to free her entirely. Rivash<sup>1</sup> responded that her claim that the yavam should be compelled to do chalitzah when he prefers to do yibum is not valid. It is not the yavam who is the cause for her perceived predicament because the זיקה she has to the younger brother exists even now and if the older brother was to die before doing chalitzah she should would face the same issue of having to wait for the younger brother to mature. Therefore, the yavam has the choice to do either yibum or chalitzah.

Rav Elazar Greenhaut<sup>2</sup> wondered why this widow expressed concern for the possibility that the yavam would die forcing her to wait for the younger yavam to mature when she could have expressed another seemingly stronger concern. If the yavam were to die she would be categorized as a katlanis and would not be permitted to marry altogether. Teshuvos Mishpat Hakohen<sup>3</sup> answered that there is no source that would indicate that if a widow's yavam died that she would be categorized as a katlanis. Granted the death of a husband of an arusa will be counted as the death of a husband which could ultimately qualify her as a katlanis, nevertheless, we cannot equate the case of an arusah with the case of yevama. The reason is that we follow the opinion of R' Akiva who maintains that the relationship between a yevama and her yavam is not so strong as the relationship between an arusa and an arusa. Since they are not yet connected it is not possible to say that it is her mazal that caused the yavam to die and for that reason it would not be a valid complaint to be concerned that the yavam may die and cause her to be a katlanis.

1. שו"ת הריב"ש סי' ר"ט
2. מובא דבריו בשו"ת משפט הכהן (עניני א"י) סי' קל"א
3. שו"ת משפט הכהן

## MUSSAR FROM THE DAF

כְּדָרְבַּ פְּנַחֶס מִשְׁמִיָּה דְּרַבָּא: דְּאִמְרַ כָּל הַנְּדֻרָתָּ – עַל דַּעַת בַּעֲלָהּ הִיא נְדֻרָתָּ.

The Gemara quotes Rav Pinchas, speaking in the name of Rava, who states that a woman who makes a neder does so al daas ba'alah—with the implied consent and mindset of her husband. We can infer from the Gemara and the Ran (on Daf 73) that this psychological and Halachic dependency exists because the husband provides her mezonos (sustenance). Because she is supported by him, her personal commitments are inherently tied to his perspective.

What is the deeper ethical connection here? The Chovos HaLevavos explains that the entire foundation of our Avodas Hashem (service of G-d) is built upon Hakaras HaTov—the feeling of being “in debt” to Hashem for the infinite kindness He bestows upon us. A spiritually healthy person reflects on the chessed they receive and naturally feels a sense of obligation to fulfill the Mitzvos out of pure gratitude.

Perhaps we can apply this same principle to our sugya. On a natural, human level, a wife feels a sense of gratitude for the mezonos her husband provides for the family. This gratitude creates a sense of responsibility; she feels it is only right to undertake a vow if it is pleasing in the eyes of the one supporting her.

This Gemara serves as a profound reminder for all of us: whenever we are the recipient of a benefit, we are required to be sensitive to the needs of our benefactor.

Whether we are a guest in someone's home, a child being supported by a parent, or a spouse benefiting from their partner, we must respect the needs and requests of the one taking care of us. This isn't just about technical rules; it is about a life lived with Hakaras HaTov, ensuring that our choices reflect the appreciation we feel for those who provide for our needs.

## POINT TO PONDER

The Gemara says that if there are two brothers they can't be חופרים her נדרים because we don't know who will eventually do יבום and הפרה holds רבי אליעזר אין ברירה. Why can't both brothers do the חופרים together? One of them will definitely be her husband.

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

The Gemara quotes רבי פנחס who says that when a lady makes a נדר she makes it 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.

The ריב"ז writes that we assume (אנן סהדי) that she always does it with her husband in mind. Furthermore even she she didn't, the תורה gave the husband the right to be חופר and רבי פנחס is just explaining that usually she has him in mind.

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