



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Nedarim Daf Ayin Daled

#### MISHNA

- **R' Eliezer** says that a shomeres yavam, whether there is one or more yavams, has the yavam be meifer her nedarim. **R' Yehoshua** says, this is true if there is only one yavam. **R' Akiva** says, it is never the case that a yavam can be meifer the neder of a yevama.
  - **R' Eliezer** said, if the yavam can be meifer the nedarim of a wife who he decided to be koneh (a regular wife), surely he can be meifer for a wife that was chosen for him by Heaven (a yevama)! **R' Akiva** said, you cannot compare the two cases, because when he is koneh a regular wife she is totally and exclusively in his reshut. However, when he gets a wife from Heaven and there is a second yavam, she is in both of their reshut, and as such he cannot be meifer her nedarim.
    - **R' Yehoshua** said to **R' Akiva**, your logic is true when there are 2 yavams. However, why can a yavam not be meifer for the yevama when there is only one yavam? **R' Akiva** said, the reason is because the yevama is not as completely in the reshut of the yavam as much as an arusah is in the reshut of her husband.

#### GEMARA

- **Q: R' Akiva's** view is understandable, because he obviously holds that there is no "zikah" (a strong bond between yavam and yevama). **R' Yehoshua** must hold that there is zikah. However, what does **R' Eliezer** hold? Even if he holds there is zikah, when there are 2 yavams, zikah should not be enough without saying "breirah" (that once one yavam does yibum we retroactively say that he was the husband all along), and we don't say breirah!? **A: R' Ami** said, the case is where one of the yavams did "maamar", and **R' Eliezer** holds like **B"R** who say that maamar creates a full acquisition of the yevamah. **R' Yehoshua** holds that we do not say that this strong relationship exists unless there is only one yavam (when there are 2 yavams, even if one did maamar the other one can make the first one assur to the yevama by doing biah with her or giving her a get, so it can't be that we would allow the first yavam to be meifer in the meantime). **R' Akiva** holds that there is no zikah at all, even when there is only one yavam.
  - **Q: According to R' Elazar**, who says that **B"R** hold that maamar only accomplishes that a co-wife of the yevama may not be taken in yibum, how will he explain **R' Eliezer** in the Mishna? **A: The case is where the yavam was brought to Beis Din**, who paskened that he must do either yibum or chalitzah, and he then ran away, in which case the Halacha is that he is obligated to support the yevama. Since she is being supported by him, we apply the general rule of **R' Pinchas in the name of Rava**, that a woman makes a neder subject to her husband's approval, and she therefore made the neder on the condition that this yavam approves. If he does not, the neder is ineffective. In truth, hafarah is not needed at all.
  - **Q: In our Mishna R' Eliezer** said that the yavam can be meifer because this is a wife given to him by Heaven. Now, if the case is that he did maamar, then this is a case of his own choosing (the maamar is considered to be his own choosing), so it must be that the Mishna is not discussing a case where he did maamar!? **A: He means to say that it is a wife of his own choosing based on having this woman chosen for him by Heaven.**
  - **Q: If the case in the Mishna is where he did maamar and that is why he can be meifer**, we should be able to answer a question of **Rabbah**, who asked whether according to **B"R** maamar creates eirusin or nissuin. If maamar allows him to be meifer her nedarim, it clearly means that it creates nissuin, because if it is only eirusin he wouldn't be able to be meifer alone, and would need to be meifer along with her father!? **A: R' Nachman**

**bar Yitzchak** said, the Mishna means that he can be meifer along with the father, and not on his own.

- A Braisa is a proof to **R' Ami** that our Mishna is talking about the case where the yavam gave maamar to the yevama. The Braisa brings the 3 shitos of our Mishna and a similar ensuing conversation between the Tanna'im. In the Braisa **R' Eliezer** says, if a man can be meifer for a regular woman during eirusin, when there was no previous relationship between them, then surely he can be meifer for a yevama after being koneh her (with maamar) since there was a preexisting relationship (of yavam and yevama). **R' Akiva** gave a similar answer to the answer he gave in the Mishna, and then added that we never find a yevama being treated differently before and after maamar, so there would be no reason to say that she should be treated differently in regard to nedarim. We see from this statement of **R' Akiva** and from the statement of **R' Eliezer** that they are discussing a case where the yavam gave maamar.
  - **Rava** explains **R' Akiva's** statement that we don't find a woman treated differently before and after yibum. He is referring to the woman being treated as a naarah hamurasah, which would cause the punishment for zenus with her to be sekilah. We don't find that maamar gives her that status.