

14.7.1

70a (משנה א') → 71b (ל' יום)

- I א משנה: Implications of being מדיר his wife (& prohibiting her from getting הנאה from him, making married life impossible)
- a *ד"ק*: if the נדר was up to 30 days, he should set up a middleman to feed her; if longer – divorce and give כתובה
- b *ד' יהודה*: this is true if he is ישראל (who may remarry her); if כהן – we give 2 months; if 3 months – must divorce
- i *Challenge*: since he is financially liable to feed her, how does he have the purview to ban her from מזונות?
- 1 *Support*: נדרים יא:ד – if she bans her wages on him, no need for him to reject the נדר
    - (a) *Proving*: that since her wages are beholden to him, she doesn't have the purview to ban him from them
  - 2 *Answer1*: since he *could* say "use your own wages to feed yourself", we consider it as if he did so
    - (a) *Challenge*: we don't apply this "as if" reasoning to נדרים יא:ד
      - (i) *Note*: this question is based on רב's ruling that a woman may keep her wages and feed herself
  - 3 *Rather (variation)*: it is a case where he *did* say "use your own wages and feed yourself"
    - (a) *Question*: if so, why does he need a middleman to feed her? She can feed herself
    - (b) *Answer1*: if her wages don't suffice to feed her
      - (i) *Challenge*: if they don't suffice, we are back at square one – he is indebted to her
      - (ii) *Answer (ר' אשי)*: the wages suffice for major expenses, but not the minor ones
        1. *Note*: minor ones are things she could have done without
        2. *But*: now that he banned via a vow, she is no longer willing to do without.
        3. *30 days*: because until then, no one finds out and no one is shamed
    - (c) *Answer2*: he issued the נדר when she was an ארוסה
      - (i) *Challenge*: an ארוסה has no claim on מזונות
      - (ii) *Answer*: if, per כתובות ה:ב, the wedding date came and he delayed – must feed her
        1. *30 days*: until then, we assume the agent (פרנס) will complete his task, no longer
    - (d) *Answer3*: he issued the ban when she was ארוסה and then she married
      - (i) *Challenge*: if so, her marriage indicates that she accepted the status (of נדר)
      - (ii) *Answer*: she may argue that she thought she could live without support but realized she couldn't
        1. *rejection*: we only apply this notion of סברה... in case of מומין (as ahead, משנה י, מושנה)
        2. *conclusion*: we only accept answer 1 or 2
- c *discussion re: פרנס* (the middleman)
- i *challenge*: isn't the פרנס essentially acting as the husband's agent?
- ii *Answer*: the husband declares "anyone who feeds her won't lose out" (כל הזן אינו יפסיד)
- 1 *Challenge*: a *similar* statement is adjudged to be a valid commission of שליחות in ו:ו
  - 2 *Defense*: in that case, he directed "whoever hears him" to write a גט
    - (a) *In our case*: however, he only said "anyone who feeds (her) will not lose out"
    - (b) *Challenge*: ר' אמי ruled that in re: a fire on שבת,
      - (i) *We*: allow him to declare "anyone who extinguishes will not lose out" (to non-Jews)
      - (ii) *Implication*: we only allow this in case of fire on שבת, no other case (including our work-around)
      - (iii) *Correction*: it only excludes other איסורי שבת
- (c) *Challenge (רבה)*: נדרים ד:ז – (see below) workaround for a מודר הנאה to eat as a beneficiary of the מדיר
- (i) *Implication*: this is the only acceptable workaround
  - (ii) *Correction*: this is a less obvious case than ours;
    1. *In our case (more obvious)*: he just said כל הזן
    2. *In נדרים*: since the מדיר is accustomed to that חנווני, it may be as if he directed the gift – קמ"ל –
  - (iii) *Tangent*: נדרים ד:ז-ח: the workaround:
    1. *If*: the מודר has nothing to eat, the מדיר may leave money with his usual חנווני
      - a. *And*: the מודר may come and take food and the חנווני puts it on the מדיר's tab
      - b. *As long as*: the מדיר doesn't explicitly direct him
    2. *and*: same rule applies if מודר needs work done in his house and the מדיר wants to fund it
    3. *משנה ח*: if the two of them are walking and the מודר has no food
      - a. *Then*: the מדיר may give it to a 3<sup>rd</sup> party as a gift, who then gives it to מודר
      - b. *If*: there is no third party, he may put it on a rock (e.g.) and disown it
      - c. *ד' יוסי*: forbids that solution
        - i. נדרים ה:ו: בית חורון – to avoid a situation like that in ר' יוסי גבא

- d *Discussion*: משנה ר' יהודה's dissent in the
- i *Question*: isn't יהודה ר' ruling the same (for ישראל) as ת"ק?
- 1 *Answer1* (אבני): יהודה ר' added his ruling to address the *כהן* situation
  - 2 *Answer2* (רבא): ת"ק holds 30 days – even if more than a month; ר"י holds that is 1 month, *חסר* or *מלא*
- e *לשמואל* dispute as to whether the 1 or 2 month rule applies even if the *נדר* was unspecified
- i *דב*: only if he stipulates that time period; otherwise, must divorce immediately
- ii *לשמואל*: even if he doesn't stipulate – perhaps (during the ensuing month) he'll get the *נדר* released
- 1 *Challenge*: they already had a parallel dispute:
  - 2 *Re*: *כתובות ה:ו* – dispute ב"ש/ב"ה about duration of *נדר* from *תשמיש* that can be tolerated (2<1 weeks)
    - (a) *דב*: the dispute is only if he sets an explicit time limit to the *נדר*; if not, divorce immediately
    - (b) *לשמואל*: even *בסתם*, gets 1 or 2 weeks – may find a release for the *נדר*
  - 3 *Justification*: if we only had that dispute, *ר"ב* forces immediate divorce since there is no "middleman" workaround, but in our case, he would accede to *לשמואל* (flip the *צריכותא*)
  - 4 *Challenge*: *משנה ב* (below, [II])
    - (a) *דב*: understood – that's a case where he didn't set a limit → divorce immediately
    - (b) *לשמואל*: why not wait and see if he releases *נדר*?
      - (i) *Setup*: she took the *נדר* and he confirmed it (קיום)
      - (ii) *Per*: ר"מ who holds that קיום הנדר makes it (equivalent to) *הנדר* (הוא נותן ונתן אצבע בין שיניה) *נדר* his
      - (iii) *Challenge* (*ברייתא*): if a woman takes a *נדר* and her husband hears and doesn't repudiate
        1. *ל"מ ור' יהודה*: it is *הנדר* → if husband wants to repudiate, he may; or he may divorce w/o *כתובה*
        2. *ד' יוסי ור' אלעזר*: it is *הנדר* → he may be *מפר*; else, he must divorce *with* *כתובה*
        3. *Proposal1*: switch positions – יהודה ר"מ ור' יהודה say that it is *הנדר* his; נדר ר"מ ור' יהודה – *הנדר* her
          - a. *Challenge*: ר' יוסי (below [III]) rules that he must divorce her with *כתובה*
            - i. *Explanation*: if we maintain that our *משנה* is a case of her *נדר* and his קיום → הוא נותן
        4. *Proposal2*: נדר ר"מ ור' יהודה – it is *הנדר* his; נדר ר"מ ור' יהודה – it is *הנדר* her
          - a. *Challenge*: ר' יהודה (our *משנה*) also requires *כתובה* + *נט*
        5. *Proposal3*: נדר ר"מ ור' יהודה – *הנדר* her; נדר ר"מ ור' יהודה – *הנדר* her
          - a. *OR*: if we insist that there were (in any case) two pairs of *חכמים* here,
        6. *Variation*: *הנדר* ר"מ ור' יהודה – *הנדר* her; *הנדר* ר"מ ור' יהודה – *הנדר* her and our *משנה* is not *כר"מ* *סתם*
      - (iv) *Tangent*: ר' יוסי holds that a husband may *not* be *מפר* a vow about *makeup* (נדריים יא:א-ב)
        1. *Answer*: in *משנה ג* (below), the case was a *נדר* that affects their relationship (דברים שבינו לבינה)
          - a. *Note*: this is only a valid answer if we hold that he may be *מפר* those *נדריים* (בינו לבינה) *נדריים*
          - b. *But*: according to ר"א, he may not be *מפר*
          - c. *Answer*: she made her *makeup* a condition for the vow from *תשמיש*
            - i. *Saying*: "benefiting from your *תשמיש* is banned if I put on *makeup*"
            - ii. *Per*: ר"כ – if she bans him from getting such *הנאה* from her, he may force her
            - iii. *But if*: she bans herself from getting *הנאה*, he may be *מפר*
            - iv. *Question*: why not have her avoid *makeup* and keep the vow from activating?
            - v. *Answer*: her neighbors will think of her as disgusting
            - vi. *Question*: why not put on *makeup* and allow the *איסור* to activate?
            - vii. *According*: to ב"ש or ב"ה, for one or two weeks
            - viii. *Answer*: that's if he bans her; she considers that he is mad at her and by the time the week or two pass, he'll calm down
            - ix. *But*: if she makes the *נדר* and he confirms it, she understands that he really dislikes her

II *משנה ב*: Implications of being *מדיר* his wife not to eat any fruit

    - a *ל"מ*: immediately give *נט* and pay *כתובה*
    - b *ד' יוסי*: if ישראל, if one day – allow it; if more – *כתובה+נט*; if *כהן*, if 2 days, allow it; if more – *כתובה+נט*

III *משנה ג*: Implications of being *מדיר* his wife not to wear any jewelry

    - a *ל"מ*: immediately give *נט* and pay *כתובה*
    - b *ד' יוסי*: if they are poor, only if he didn't put a limit; if wealthy – until 30 days we allow it
      - i *Clarification* of "no limit": *לשמואל* – 12 months; ר' יוחנן – 2 years; אבימי – one רגל, as women anoint themselves then
      - ii *Reason for "30 days" for rich*: a rich woman benefits from the redolence of her "makeup" for 30 days