

14.13.2

106b (מי שהלק) → 107b (אסירי)

- I בני כהנים גדולים *contra* חנן (משנה א')
- a if a husband is away and his wife collects מזונות:
- i **חנן (also ריב"ז): she only swears "at the end"** (ד"ש: upon collection of כתובה; דמב"ם: when husband returns and claims that he left her money for מזונות)
- ii בני כהנים גדולים (also דוסא ר'): she must take an oath at time of collection of מזונות and "at the end"
- b Dispute regarding בית-דין allotting food for married woman if husband is away:
- i All agree that during the 1st three months, no allotment – he wouldn't leave the larder empty
- ii All agree that if we heard that he died, we allot – the concerns outlined below aren't relevant
- iii Dispute: after 3 months, where we haven't heard that he died:
- 1 רב: we allot it – he is משועבד to her
 - 2 שמואל: we don't allot it:
 - (a) reason 1: concern that he has already given her מטלטלין for this
 - (b) reason 2: perhaps they already negotiated that he wouldn't feed her (and she keeps מע"י)
 - (c) split the difference: an adult woman who isn't working (could've received מטלטלין) OR a minor who is working (couldn't have received מטלטלין)
 - (d) challenge (to שמואל): from our משנה – dispute only about an oath, but all agree that she collects מזונות
 - (e) answer: case where we heard that he died (so we answer for שמואל against all rulings that support רב)
 - (i) unique case: where she is fed but not the children
 - (ii) explanation: there is 1 witness to his death
 1. for her: 1 witness is meaningful (for remarriage) → she is fed
 2. for them: 1 witness is insufficient for inheritance → they aren't fed
 - (iii) in that case: she doesn't receive דבר אחר – might be money for צדקה or even jewelry
 - (f) challenge: a יבמה is fed from יבם's estate if he flees (after 3 months)
 - (g) answer: neither concern (צררי or מע"י swap-out) is relevant
 - (h) challenge: ממאנת receives מזונות and is paid back for borrowing money against them while he's gone unless she performs מאון
 - (i) answer: neither concern is relevant (can't be מתפיס to a קטנה and her work isn't sufficient for her food)
 - 3 case law: mixed versions of rulings in א"י (רבי v. בר יוסי) in each case, the one who didn't grant מזונות was explained as following שמואל's thinking
 - 4 rulings:
 - (a) our dispute: we follow רב
 - (b) additional ruling: we follow רב (as reported by רב הונא) that a woman may refuse מזונות and keep her מע"י if she wishes
 - (c) additional ruling: we follow רב זביד about the absorbability of particular vessels (in re: חמץ, גיעולי, יין נסך, נכרים)
 - (i) relevance: all three rulings were finalized in the בית מדרש at one time (ריטב"א)