

15.10.4

70a (משנה ב') → 71b (ולא מיגז גיז)

1. אלה החקים אשר צוה ה' את משה בין איש לאשתו בין אב לבתו **בנערה בית אביה**: במדבר פרק ל פסוק יז  
 2. ואם היו תהיה לאיש ונדרה עליה או מבטא שפתייה אשר אסרה על נפשה: במדבר פרק ל פסוק ז

- I משנה ב': Advantages of the father relative to the fiancé and vice-versa
- a If the fiancé dies, the entire domain "empties" to the father (as per תוספתא and explanation on p. 57)
    - i Not vice-versa (as per above)
    - ii Reason: v. 1 – domain of the girl is under the father (non-transferable)
    - iii Source (for fiancé's control reverting): v. 2 – compares her status before betrothal to a 2<sup>nd</sup> (after death of fiancé) to her status before original betrothal – under father's domain completely
      - 1 Challenge: perhaps this only applies to vows made after death of fiancé
      - 2 Answer: those vows are covered under v. 1
  - b The father can only reject vows made while she is a maiden; husband rejects vows at any age
    - i Case: cannot be that he betrothed her as a נערה then married her as a בוגרת, since just as the death of the father removes father's domain without transferring to fiancé, similarly בגרות
      - ii Rather: he betrothed her as a בוגרת
        - 1 Challenge: already taught (ה' משנה ה')
          - (a) Parenthetic question: why does ה' משנה ה' mention יב חדש ששהתה – she claims מזונות after 30 days
          - (b) Answer: text should be read/understood as בוגרת OR one (נערה) who waited 12 months
        - 2 Answer1: בוגרת here is needed – taught there to demonstrate dispute between ר"א/רבנן
        - 3 Answer2: בוגרת there is needed – taught here as counterpoint to רישא (...יפה כח...)
  - c משנה ג': rule of partnership
    - i sequence: betrothal, vow, divorce, betrothal to another
      - 1 ruling: father and current fiancé are partners in הפרה
      - 2 rule: as long as she was never fully independent, father and current fiancé perform נדרים
      - 3 source: שמואל (that current fiancé can reject vows taken while betrothed to another) v. 2
        - (a) meaning – vows that were already taken ("on her") before betrothal
        - (b) challenge: perhaps it refers to vows taken before she was betrothed at all
        - (c) answer: עליה is an extra word, implying anything that was "on her", even under another ארוס
        - (d) Support: ברייתא rules that father and current fiancé perform הפרה; if 1<sup>st</sup> fiancé performs הפרה and then dies before father hears:
          - (i) ז"ש: father may reject other "half"
            - 1. reason: vows taken under 1<sup>st</sup> fiancé are also transferred to father (מיגז גיז)
          - (ii) ה"ז: father may not reject other "half"
            - 1. reason: vows taken under 1<sup>st</sup> fiancé belong to the realm of the "fiancé" and must be rejected by a fiancé (even a later one) – מקליש קליש