

15.10.6

73b (משנה ה') → 75a (גמורה לאשה)

- I **ה' משנה**: jurisdiction of "virtual" husband
- a a נערה, 12 months after requesting to be married to her ארוס, or a בוגרת, 30 days after such a request – isn't yet married
 - i **ה' א**: since the fiancé must begin supporting her, he has jurisdiction over נדרים הפרת
 - ii **ה' א**: he has no jurisdiction over נדרים הפרת until she actually marries him
 - iii **suggestion**: perhaps **ה' א** is in accord with **ה' ב**: (כתובות ה:ב) and **ה' א** with final ruling
 - 1 **explanation**: original ruling was that a girl, after the stated period, may begin eating תרומה; final ruling was that she doesn't eat תרומה until she actually enters the husband's house
 - 2 **dis-alignment**:
 - (a) **ה' א**: perhaps they only apply their ruling to נדרים, which are מה"ת; they may allow תרומה דרבנן
 - (b) **ה' א**: perhaps he only maintains his position vis-à-vis נדרים, since a woman vows under the assumption of agreement of her husband; but he may not allow תרומה, even דרבנן
- II **ה' א**: jurisdiction of **ה' א**
- a **ה' א**: even with multiple **ה' א**, he (?) has authority over נדרים הפרת
 - i **ה' א**: **ה' א** refers to the **ה' א** who performed מאמר (see below, III)
 - 1 **challenge**: in משנה ה', **ה' א**'s argument presents **ה' א** as **ה' א**; but if he performed מאמר he acted
 - (a) **answer**: means "he acquired for himself via heaven's help"
 - ii **ה' א** follows **ה' א**'s thinking, that מאמר is a full קנין
 - 1 **note**: according to **ה' א** (אמורא) **ה' א** only grants "deflective" status to מאמר (rejects other wives from **ה' א**)
 - (a) **question**: according to this approach, how does **ה' א**'s approach work?
 - (b) **Answer**: case where the **ה' א** who performed מאמר was already brought to court and ordered to support the **ה' א** (since he was delaying the **ה' א**) – based on principle that a woman vows based on her husband's agreement – even a "virtual" husband
 - b **ה' א**: only if there is a single **ה' א**
 - i **explanation**: he maintains that **ה' א** – i.e. when she falls to the **ה' א**, they are already considered "tied"
 - ii **response (to ה' א)**: even to **ה' א**, that relationship can be fouled if another brother has **ה' א** with her (or gives her a **ה' א**)
 - c **ה' א**: in no case does a **ה' א** have authority over נדרים הפרת until they are married
 - i **arguments**:
 - 1 **ה' א**: if **ה' א** is under authority of one who made his own קנין, certainly if heaven "arranges" it for him
 - (a) **Retort (ה' א)**: can't compare – in case of **ה' א**, others (brothers) have potential relationship with her
 - (b) **Response (ה' א)**: that argument only defeats the case of multiple brothers
 - (c) **Defense (ה' א)**: even with one brother, if she violates the **ה' א**, it's merely a **ה' א**; violating **ה' א** is **ה' א**
 - d **Tangential question**: can our discussion resolve **ה' א**'s q. about **ה' א**'s take on מאמר – is it equivalent to **ה' א** or **ה' א**?
 - i **Apparently**: seems to prove that it is parallel to **ה' א**, else father would have to cooperate in **ה' א**
 - ii **Deflection**: perhaps **ה' א** in our משנה means **ה' א** (cooperates with father to repudiate נדרים)
- III **Reassessing ה' א**'s interpretation of **ה' א**'s position (that the **ה' א** performed מאמר)
- 1 **support**: **ה' א** restates our משנה's 3 positions
 - (a) **ה' א** arguing a *minori* that if an ארוסה, with whom he had no prior connection, yet is "completely" his when she marries him, is under his authority for **ה' א**, certainly that should be the case with **ה' א**
 - (b) **ה' א** restates position from משנה
 - (c) **ה' א** claims that there is no distinction between 1 or 2 **ה' א**, with or without מאמר
 - (i) **footnote**: **ה' א** adds that other matters are dealt with as נדרים
 - 1. **meaning**: **ה' א** argued that they must agree that a **ה' א** who has relations with another is not ארוסה as is an חייבת סקילה
 - 2. **support (ה' א)**: wording of last line of משנה – משנה לאשה – אין **ה' א** גמורה ליבם כשם שארוסה גמורה לאשה
 - 2 **explanation (how this is supportive of ה' א)**:
 - (a) from **ה' א**'s mention of not distinguishing between having performed מאמר or not
 - (b) from **ה' א**'s description of the **ה' א** as **ה' א** – must be completing a process already begun (מאמר)