

15.11.9

90b (משנה יב) → 91b (סיום המסכת)



- I משנה יב: evolution of ruling regarding women who take bans which effectively terminate their marriages
  - a originally, these 3 would immediately be divorced and be given their כתובה:
    - i "I am forbidden to you" due to being raped – אשת כהן –
      - 1 else, if she claims it was consensual, she wouldn't receive the כתובה; if rape, she isn't forbidden
    - ii "heaven separates us" (i.e. he isn't able to perform sexually)
    - iii "I am separated from all Jews" (bans benefit from all Jews)
  - b subsequently, they were concerned that a woman would say this because she became interested in another
    - i טמאה אני לך: she has to prove her status
    - ii שמים ביני וביניך: they counsel her to try and stay
    - iii בטולה אני מן היהודים: he rejects the ban vis-à-vis himself and the ban remains towards all others
  - c Tangential question: if an אשת כהן tells her husband that she is forbidden to him, may she eat תרומה?
    - i דב ששת: she may eat - it will cause aspersions about the status of her children
    - ii דבא: she doesn't eat – she may still eat חולין
    - iii associated question: if an אשת כהן is raped, does she maintain her כתובה
      - 1 lemma1: since rape of אשת כהן: consensual adultery of אשת ישראל, perhaps she loses the כתובה
      - 2 lemma2: since she was coerced, she may say to her husband שדהו וסתחפה שדהו, she can't be fined to lose כתובה
      - 3 ruling: she keeps כתובה, as per our משנה
  - d question: if a woman claims that her husband divorced her – is she believed?
    - i Lemma1: even according to the later ruling in our משנה, where she isn't believed about יורה כחץ:
      - 1 Difference: there, she reasons that he doesn't know for certain, but here he knows → she won't lie
    - ii Lemma2: even according to the earlier ruling, where she is believed
      - 1 Difference: there, she wouldn't lie and debase herself; here, she wouldn't mind → she may lie
      - 2 Note: רבא (who supports this position), maintains that she has to present explicit details as part of her claim and she wouldn't do that if it were untrue
      - 3 Note: ר' המנונא (who supports 1<sup>st</sup> position), maintains that the husband wouldn't know for sure about יורה כחץ and therefore she may lie; he certainly knows if he divorced her → she is believed
  - e Stories: (4 cases where we don't conclude that there was adultery, which would lead to divorce)
    - i woman used to wash her husband's hands after relations; once, she brought water and he pointed out that they hadn't been intimate; she surmised that it was one of the salesman
      - 1 ruling: we ignore it, assuming that she became interested in another and made it up
    - ii woman complained that her husband pained her during the most recent intercourse; he pointed out that they hadn't been intimate and she surmised that it was one of the salesman
      - 1 ruling: we ignore it, assuming that she became interested in another and made it up
    - iii man hiding in another's house with the wife; when husband came in, he ran out
      - 1 ruling: we don't assume adultery; if so, he would have hid and not "exposed" himself by fleeing
    - iv man hiding in house with wife, saw snake put poison into food and told husband when he came
      - 1 ruling: we don't assume adultery, since the adulterer would have preferred that the husband die as per v. 1 (a) suspicion: perhaps the adulterer would have preferred the "forbidden fruit" (v. 2) – קמ"ל

הזרן עלך מסכת נדרים והזרן עלך  
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לשבת ולקיימה לשמור משלטי לזרק