

A בס"ד
Intro
Today we will Be"H learn פ"ה of נדרים of דף פח. Some of the topics we will learn about today include:

יום שמעו
A נדר can only be revoked or confirmed on the same day that the father or husband first hears of it. The Gemara discusses how much knowledge is needed to be considered יום שמעו.

יד אשה כיד בעלה
A husband has the rights to the income generated by his wife's possessions. If someone gives her a gift ע"מ שאין בה, לבעלך רשות בה, stipulating that it is for her alone, she retains full control of those assets. However, according to the opinion that יד אשה כיד בעלה, this condition will not suffice to deny the husband his rights to the income of that property, and additional terms are required.

A

ביום שמעו

יד אשה כיד בעלה

If someone gives her a gift

ע"מ שאין אבאך רשות בה

B Through its discussion, the Gemara will also reference the following important ideas:

רציחה בשוגג
If someone inadvertently kills someone he is sent into גלות, into exile. The Gemara debates whether a סומא, a blind person, has enough awareness to be liable for this punishment.

שיתופי מבואות
In the times of the Gemara, homes were constructed around a חצר, a common courtyard. These led into מבואות, alleyways, which in turn led into the רשות הרבים, the main thoroughfare. To be permitted to carry in a מבוה on Shabbos, the חכמים enacted the Halachah of שיתופי מבואות. All the residents of the relevant חצירות contribute food and place it in a house in one of the חצירות, whereby it is considered as if they all share one domain. Instead of going through the trouble of collecting food, one person can contribute the entire amount through זכיייה, whereby one person acquires the food on behalf of everyone else.

B

רציחה בשוגג

שיתופי מבואות

1 So let's review...

The Mishnah on נדר דף פ"ז discussed a husband who said יודע אני שיש מפירין אבל איני יודע שזה נדר
 He was aware of his ability to revoke נדרים in general, but did not realize that it was possible to revoke this particular נדר;
 רבי מאיר says לא יפר, because he did not have sufficient knowledge for the day to be considered a יום שמעו, while רבי יהודה says יפר, because מוקצת ידיעה ככל ידיעה, knowing about הפרדה in general is sufficient for it to be considered יום שמעו.

The Gemara assumes that while רבי יהודה holds מוקצת ידיעה ככל ידיעה, partial knowledge is sufficient, רבי מאיר holds מוקצת ידיעה לאו ככל ידיעה; one must be fully cognizant to be truly considered aware.

1 **ביום שבעו**

מלפני

**יודע אני שיש מפירין
אבל איני יודע שזה נדר**

<p>רבי יהודה יפר דמקצת ידיעה ככל ידיעה IS sufficient to be considered יום שמעו</p>	<p>רבי מאיר לא יפר מקצת ידיעה לאו ככל ידיעה He didn't have sufficient knowledge for the day to be considered a יום שמעו</p>
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2 However, regarding a רוצח בשוגג - someone who killed a person inadvertently - who is sent to גלות, they each seem to reverse their opinions, as we see in the following ברייתא:

בלא ראות פרט לסומא דברי רבי יהודה
 The Pasuk says בלא ראות, without seeing, that the רוצח did not intentionally target his victim. The implication is that he could have known of the victim's presence, and so רבי יהודה argues that this Pasuk EXCLUDES a blind person, who does not ever see anyone else, and would NOT have known of the victim's presence.
 רבי מאיר אומר לרבות את הסומא
 The Pasuk INCLUDES a blind person in the חיוב גלות, because he has some awareness of his surroundings, as he can sense when someone is nearby. This is presumably because he holds מוקצת ידיעה ככל ידיעה, while רבי יהודה holds מוקצת ידיעה לאו ככל ידיעה, sensing another person does not suffice to be considered aware.

2 **רוצח בשוגג**
אשר
Who is sent to גלות

They seem to REVERSE their opinions

ברייתא:

<p>רבי יהודה בלא ראות פרט לסומא Did NOT intentionally target his victim Implication is he could have known of the victim's presence EXCLUDES a blind person Who does not see anyone, and would NOT have known of the victim's presence מקצת ידיעה לאו ככל ידיעה</p>	<p>רבי מאיר בלא ראות לרבות את הסומא INCLUDES a blind person in the חיוב גלות He has some awareness of his surroundings מקצת ידיעה ככל ידיעה</p>
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3 If so, both רבי מאיר and רבי יהודה contradict their opinion on this matter regarding הפרה?

The Gemara answers;

הכא מעניינה דקרא והכא מעניינה דקרא

They are not arguing about the general concept of מקצת ידיעה, rather how to interpret the Pesukim in each separate case.

רבי יהודה focuses on the Pasuk

ואשר יבא את רעהו ביער

He who joins his fellow in the forest;

וסומא נמי בר מיעל ליער הוא

A blind person can enter the forest as well. Therefore, since a סומא is understood to be included in this Parsha, the Pasuk בלא ראות must mean לפרט לסומא, to exclude him. However, רבי מאיר focuses on the Pasuk דעת מבלי דעת, without awareness; and

סומא לאו בר מידע הוא

A blind person does not have sufficient awareness.

Therefore, since a סומא was already excluded, the Pasuk בלא ראות must mean לרבות את הסומא, to include him in the Halachah of גלות.

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3

Both רבי יהודה and רבי מאיר **CONTRADICT** their opinion regarding הפרה?

הכא מעניינה דקרא והכא מעניינה דקרא

They are **NOT** arguing about the general concept of מקצת ידיעה

Rather how to interpret the פסוקים in each separate case

רבי יהודה

Focuses on...

ואשר יבא את רעהו ביער

וסומא נמי בר מיעל ליער הוא

Since סומא is **INCLUDED** in this פסוק

בלא ראות must mean

פרט לסומא

to **EXCLUDE** him

רבי מאיר

Focuses on...

מבלי דעת

סומא לאו בר מידע הוא

Since סומא was already **EXCLUDED**

בלא ראות must mean

לרבות את הסומא

to **INCLUDE** him

4 Zugt di Mishnah
 המדיר הנאה מחתנו
 If someone made a Neder to forbid his son-in-law to benefit from him;
 והוא רוצה לתת לבתו מעות
 And he wishes to give his daughter a monetary gift.
 However, this would benefit his son-in-law, since the Halachah of the wife's assets is
 ילקח בהם קרקע ובעל אוכל פירות
 Her husband is entitled to the income generated by such assets. Therefore,
 אומר לה הרי המעות האלו נתונין לך במתנה
 ובלבד שלא יהא לבעליך רשות בהן
 אלא מה שאת נושאת ונותנת בפוך
 He can give her the gift with the stipulation that her husband has no rights to it, AND that she only acquires that which she eats.

The Gemara explains the need for the dual stipulation.
 רב says that
 אמר מה שתרציי עשי
 If he merely says that she may do with the money whatever she desires,
 קנה יתהון בעל
 Her husband would get a share, thereby violating the Neder. Because the Mishnah is the opinion of מאיר, who says
 יד אשה כיד בעלה
 A woman's power of acquisition is always effective on behalf of her husband, and she cannot stipulate that he be deprived of his rights. In the same vein, it does not suffice for him to say אין לבעליך רשות בה. Therefore, the father must add
 אלא מה שאת נושאת ונותנת בפוך
 That she only acquires the gift as she eats it - at which point the husband cannot acquire a share.
 שמואל agrees with this understanding of the Mishnah, but claims that the Halachah does not follow this opinion. He maintains that if her father said מה שתרציי עשי, which is the equivalent of saying אין לבעליך רשות בהן, without any additional conditions;
 לא קנה יתהון בעל
 The husband would NOT share in the gift, and so it would not violate the Neder. This is because he follows the opinion of the רבנן, that
 לא אמרינן יד אשה כיד בעלה
 A woman CAN acquire assets and maintain full control if her benefactor explicitly stipulated that that the gift is for her alone.

4 מלאכה

המדיר הנאה מחתנו
Forbids his son-in-law to benefit from him

והוא רוצה לתת לבתו מעות
He wishes to give his daughter a monetary gift

This would benefit his son-in-law
the Halachah of the wife's assets is

ילקח בהם קרקע ובעל אוכל פירות
Therefore,
 אומר רב

הרי המעות האלו נתונין לך במתנה ובלבד שלא יהא לבעליך רשות בהן אלא מה שאת נושאת ונותנת בפוך

The Gemara explains the need for the dual stipulation

<p>שמואל <i>Agrees with this understanding of the Mishnah</i> <i>But the Halachah does not follow this opinion</i> אמר מה שתרציי עשי <i>Which is equivalent of</i> <i>אין לבעליך רשות בהן</i> לא קנה יתהון בעל <i>He follows the opinion of the רבנן</i> לא אמרינן יד אשה כיד בעלה</p>	<p>רב אמר מה שתרציי עשי קנה יתהון בעל <i>The Mishnah is the opinion of מאיר</i> יד אשה כיד בעלה <i>She can't stipulate that he be deprived of his rights</i> It does NOT suffice to say אין לבעליך רשות בה <i>The father MUST add</i> אלא מה שאת נושאת ונותנת בפוך <i>At which point the husband cannot acquire a share</i></p>
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5 The Gemara questions Rav'a and Reb Meir's opinion from the following Mishnah regarding מבואות, a partnership in a מבוי.

כיצד משתתפין במבוי

The Mishnah explains that when the occupants of several courtyards wish to permit carrying in a מבוי on Shabbos, they must all place some food in one חצר, and they are then considered as residents of one common domain.

How?

מוניח את החבית

Instead of actually collecting food from every party, one person can donate a barrel of wine and say הרי זה לכל בני מבוי עבדו - granting them all partnership in the barrel - and מבוי עבדו, his Jewish servants or his grown children, can acquire a share in the barrel on behalf of all residents, since they have independent powers of acquisition.

The ברייתא adds

ואשתו - His wife can also acquire the barrel on behalf of the other residents.

Now, if בעלה יד אשה כיד בעלה and he always shares in her acquisitions,

עירוב לא נפיק מרשותיה דבעל

His gift will not be effective, because it will always remain in his domain, since the קנין was not performed by an independent party?

This Mishnah seems to support Shmuel and the Rabanan that

לא אמרינן יד אשה כיד בעלה

5

?

The Gemara questions Rav'a and Reb Meir's opinion

מל"ב:

כיצד משתתפין במבוי

They must all place food in one חצר, and are then considered residents of one common domain

מוניח את החבית

One person can donate a barrel of wine and say הרי זה לכל בני מבוי עבדו

And אבדו ולא עבדו העבדים ובנו ובתו הגדולים, can acquire a share in the barrel on behalf of all residents

The ברייתא adds

ואשתו

Can also acquire the barrel on behalf of the other residents

?

יד אשה כיד בעלה

עירוב לא נפיק מרשותיה דבעל?

This Mishnah seems to support Shmuel and the Rabanan

לא אמרינן יד אשה כיד בעלה

6 The Gemara at first answers;

1.
 מודה רבי מאיר לענין שיתוף
 Reb Meir agrees in this case that we do not apply the principle of יד אשה כיד בעלה
 Because, just as בעל שנתן מתנה לאשתו קנתה ואין הבעל אוכל פירות
 If the husband himself gives his wife a gift, he completely relinquishes his rights; so too, ליזכות לאחרים מיד בעלה זכיא
 As Tosfos explains; כיון דבעל עצמו מזכה להם מסתלק עצמו מחלקו
 Since the husband himself is gifting the other residents through her, he relinquishes his rights in her acquisition.

6

1

מודה רבי מאיר לענין שיתוף

We do NOT apply the principle of יד אשה כיד בעלה

Just as בעל שנתן מתנה לאשתו קנתה ואין הבעל אוכל פירות

So too, ליזכות לאחרים מיד בעלה זכיא כיון דבעל עצמו מזכה להם מסתלק עצמו מחלקו

7 However, the Gemara points out that another ברייתא states clearly ואלו שאין זכין להן, and lists אשתו among those who CANNOT acquire the חבית on behalf of the others.

The Gemara therefore retracts the above reasoning and differentiates between when the husband gives the gift to HER - where he DOES relinquish his rights - and when he gives the gift to others - where he does NOT relinquish his rights in her יד. Therefore, the Braisa rules that אשתו cannot be זוכה for the others.

7

However, another ברייתא states. . .

ואלו שאין זכין להן

And lists אשתו among those who CANNOT acquire the חבית on behalf of the others

The Gemara therefore retracts and differentiates between...

The husband gives the gift to HER
 Where he DOES relinquish his rights

and when he gives the gift to OTHERS
 Where he does NOT relinquish his rights in her יד

Therefore, the Braisa rules that אשתו cannot be זוכה for the others

8 However, the Mishnah which rules that זוכה CAN be זוכה for the others
בשיש לה חצר באותו מבוי עסקינן
The Mishnah is discussing a case where she herself is a resident in this מבוי.
This is possible when
נפלה לה בירושה בעודה ארוסה
She inherited the house when she was still engaged; AND
וכתב לה דין ודברים אין לי בנכסיך
He renounced his claims to the חצר.
Therefore, זוכה CAN be זוכה for the others, because
מגו דזכיא לנפשה זכיא לאחריני
Since she can acquire a share in the barrel for herself from her husband, as we said earlier, she can also be קונה for the others at the same time.
However, the ברייתא is speaking of
כשאין לה בית בחצר
When she does NOT own a house in that courtyard separate from her husband, and so she cannot be קונה from her husband on behalf of the others.

8

The Mishnah
Which rules that זכיה CAN be זוכה for the others

**בשיש לה חצר
באותו מבוי עסקינן**

This is possible when

**נפלה לה בירושה
בעודה ארוסה**

*וכתב לה דין
ודברים אין לי בנכסיך*

**מגו דזכיא לנפשה
זכיא לאחריני**

The ברייתא
She cannot be קונה on behalf of the others

**כשאין לה בית
בחצר**