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Intro

Today we will Be"H learn אסכת נדרים of ידף ידף. Some of the topics we will learn about today include:

הפרה ושאלה קודם שחל הנדר

The רבי נתן argue whether, in certain circumstances, a Neder can be revoked before it actually takes effect. The Gemara discusses whether this applies equally to אאלה, asking a חכם to annul the Neder, or if everyone agrees that אאלה can only take place after the חלות הנדר.

ג' נשים יוצאות ונטולות כתובה

Generally, if a woman causes that the Halachah compels her husband to divorce her, she is not entitled to her כתובה. The Mishnah will discuss three circumstances when she nevertheless receives her כתובה.

אמרה לבעלה טמאה אני

The Mishnah discusses whether a woman who claims to have been defiled is permitted to her husband. The Gemara records a מחלוקת whether she is permitted to eat תרומה.









So let's review...

In the previous Daf the Gemara cited a Braisa which taught that in certain circumstances where the תנאי will certainly be violated and trigger the נדר, and the Neder will inevitably result in ענוי נפש חבינו לבינה דים שבינו לבינה ענוי נפש אברים שבינו לבינה מענוי נפש מאברים שבינו לבינה מחבים בעל the Neder even before it takes effect.

דרבי גתן סבר אין הבעל מיפר אא"כ חל גדר ורבנן סברי בעל מיפר אע"פ שלא חל גדר Our Mishnah there follows the opinion of the חכמים.









The Gemara now discusses whether שאלה, asking a חכם to annul a Neder, can be done before חלות הגדר.

From an incident in which בר רב הונא שא עמה וויע was involved we see that he held that שאלה is only valid after חלות הנדר. However, it is unclear whether he held

דכי היכי דפליגי רבנן ורבי נתן בהפרה

הכי נמי פליגי בשאלה

The שאלה applies to מחלוקת רבי נתן וחכמים as well.

דרבי נתן סבר

אין החכם מתיר אא"כ חל נדר

ורבנן סברי

חכם מתיר אע"פ שלא חל נדר

And as the Ran points out, since the Halachah follows the חכמים, because

יחיד ורבים הלכה כרבים

We must explain that ארבי, who ensured that the Neder took effect before שאלה, לאפוקי נפשיה מפלוגתא עביד הכי He wanted the שאלה to be valid according to all opinions, even according to 1.

However, it is also possible that רבי אחא follows the opinion of רבי פפי, who says that מחלוקת בהפרה, they only argue regarding הפרה, based on the following Pesukim: דרבי נתן סבר

אין הבעל מיפר אא"כ חל נדר

Because it says;

- וחפרה הלבנה - The moon shall be ashamed, which can be read as

והפרה בבנינה

He can only revoke the Neder once it's constructed, referring to חלות הנדר.

ורבנן סברי

בעל מיפר אע"פ שלא חל נדר

Because the Pasuk says

תרומים - He revokes the thoughts of the cunning, which indicates that הפרה can take place on mere thoughts, namely before a Neder takes effect.

תוספות explains that these Pesukim are merely סימנים, and their סיברא is actually in סברא, whether it is reasonable to revoke something that did not yet take effect.

However, regarding שאלה,

says רבי פפי

Dedicated By: _

דברי הכל אין חכם מתיר כלום אא"כ חל נדר

They all agree that it requires חלות הנדר. This is supported by the Pasuk

לא יחל דברו, not to violate a Neder. We infer from here הא אחרים עוקרין CAN uproot a Neder, by means of שאלה. Since the Pasuk is clearly warning against violating a Neder that is already effective, this indicates that the הנדר as well, can only do so after.









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The Gemara records a different version of רבי פפי's statement:

בשאלה דברי הכל מפר ואע"פ שלא חל נדר

They both agree that one CAN be שואל even before חלות הנדר. He understands the Pasuk

יחל דברו, that a חכם can annul the Neder when it is only דברו, mere words, before חלות הנדר.

However, the Gemara concludes תיובתא. This version of is refuted from a ברייתא which clearly indicates that there is an opinion that requires חלות הנדר.



The Ran points out that if someone says קונם עלי דבר פלוני קונם עלי דבר פלוני, forbidding himself from a particular object effective after thirty days, everyone agrees that the המם CAN annul the Neder before it takes place, since the Neder will inevitably take effect at the set time. רבי נתן, when there is a possibility that the Neder will never take effect, such as if there is a condition that can be met.

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6

Zugt di Mishnah

בראשונה היו אומרים שלש נשים יוצאות ונוטלות כתובה

There are three circumstances in which a woman, who caused the Halachah to compel her husband to divorce her, still receives her כתובה:

1.

האומרת טמאה אני לך

She says that she has been defiled, and therefore forbidden to her husband. The Gemara on איף צ"א will explain under what circumstances this holds true.

2.

שמים ביני לבינך

She claims that her husband is unable to have children. The Gemara in מסכת כתובות explains that this is only if she says בעינא חוטרא לידא ומרא לקבורה, she needs children to assist her in her old age. Otherwise, we tell her זילי לא women are not obligated to have children.

3.

ונטולה אני מן היהודים

She vowed not to engage in marital relations with anyone. It is obvious that she does so because having relations is painful for her, and is therefore blameless.







7

In all these cases, according to the משנה אה she would receive her Kesubah. However.

חזרו לומר שלא תהא אשה נותנת עיניה באחר ומקלקלת על בעלה The חכמים were concerned that a woman would make a false claim because she wants to marry someone else. Therefore, they decided that she can no longer collect her בתובה under these circumstances. Rather,

האומרת טמאה אני לך

תביא ראיה לדבריה

She is not believed without proof.

השמים ביני לבינר

יעשו דרך בקשה

The Mishnah advises him to make her a special banquet to appease her.

ונטולה אני מן היהודים

יפר חלקו ותהא משמשתו

ותהא נטולה מן היהודים

He nullifies his part and may continue to have relations with her, but in the event that he dies or divorces her, she is still forbidden to all others.

The Ran questions how she is permitted to him when she says טמאה אני לך;

היון דמדינא מיתסרא אבעלה, since she is Halachically forbidden to him, היאך התירוה, how can the Chachamim permit her because of these suspicions?

The Ran suggests that אפקעינהו רבנן לקדושי מעיקרא, the אפקעינהו רבנן לקדושי מעיקרא have the power to retroactively annul a marriage. By doing so, she is retroactively unmarried at the time she was defiled, and therefore permitted to him.

After finding difficulty with this answer, the Ran offers another approach.

Perhaps, אדינא מותרת לבעלה, she is actually NOT believed, and she is only אסורה מדרבנן, because ל, it is shameful to admit to being טמאה, and she is believed אסומר, because לחומרא, she would not lie and embarrass herself in this way. Therefore, once the חכמים had reason to suspect that she WOULD lie, אקמוה אדינא, we revert to the actual Halachah, and she is not believed.









The Gemara questions the extent of 'הז"ל's suspicions: איבעיא להו

אמרה לבעלה טמאה אני

מהו שתאכל בתרומה

A woman who claims to have been defiled, is she permitted to eat הרומה? Although she is not believed regarding her husband, שלא תתן עיניה באחר, to deter her from lying, perhaps this is not a reason to permit her to eat תרומה.

The Gemara brings a מחלוקת:

רב ששת אמר אוכלת

שלא תוציא לעז על בניה

She may eat תרומה, for otherwise people will assume she WAS defiled, and rumors will spread about the status of her children.

רבא אמר אינה אוכלת

אפשר דאכלה חולין

She may NOT eat תרומה, because people will simply assume that she doesn't have ready access to תרומה.

רבא adds that since everyone agrees that she should be forbidden, and we only permit her to eat שלא תוציא לעז; שלא תוציא לעז אינה אוכלת מודה רב ששת שאם נתארמלה שאינה אוכלת

Once she is widowed she is certainly forbidden to eat תרומה. because

אמרי השתא דאיתניסא, there is no לעז, since it is equally plausible that the incident occurred after she became a widow.

This discussion continues in the next Daf.





