



נדרים דף ס' ג

The Duration of Breastfeeding in our Days

The Mishnah states “a konam from wine that I shall taste for a year – if the year becomes a leap year, it is forbidden even in the extra month.” The Ran compares this sugya to that of rental periods – the extra month of a leap year is included. What if the contract is worded “one year, from this day”? He cites the Rashba that only 12 months exactly are included. The Rashba proves this from a Gemara that regarding sales of houses in walled cities in Eretz Yisroel (which after a year become the permanent property of the buyer), a derivation from the verse is required to include the leap month. We may infer that in standard cases of rentals, it is not. However, the Ran refutes his proof; houses in walled cities are different because the duration is not specified. The Torah dictates the rules. In the case of the renter, however, they specified “one year.” So, the 13th month is included.

Using the argument of the Ran, the Noda B’Yehuda (Mahadura Kama E.H. 20) answers an apparent contradiction in the Rambam. Yet another parallel sugya is that of an אשה מינקת מת, a nursing mother. The Rambam writes in Hilchos Gerushin 8:19 that if a man gives his wife a get on condition that she nurses their child, she may fulfil the condition within **24 months** of the child’s birth. But then in Halacha 20 he changes it to, “if he stipulates on condition to nurse him for **two years**...” Obviously, the Rambam wrote the second halacha to include the extra month of a leap year. But why should he change his opinion? According to the Ran we may explain that the first case was unspecified; simply “nurse the baby.” The second one was when he specified “two years,” which indicates an entire year – including the extra month.

The presumption in all these halachos is as the Gemara assumes, that babies nurse for 24 months. It is unhealthy or even dangerous for them to stop beforehand. Is this still true in our times?

An application of this issue is the prohibition of a mother with a young child to remarry. Beis Shammai holds that she must wait until the baby is 18 months old, while Beis Hillel maintains 24 months are required, which is the Gemara’s conclusion (Kesubos 60b). Indeed, as the Beis Shmuel on the Shulchan Aruch (E.H. 13:11) cites, we assume that mothers nurse their babies for the complete timespan, and if she were to remarry and become pregnant, it would render nursing impossible.

On the other hand, the Chochmas Shlomo there comments that he’s afraid to dispute this halacha, but it seems to him that the nature of the world has changed since the times of Chazal, and today it is no longer the case. At the very most they nurse until 18 months, and so a woman should be allowed to remarry after that time.

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Chasam Sofer (cited in Pischei Teshuvah 29) rebuffs this idea, and asserts that Chazal's decree applies even today. Even in their days, he explains, most children did not nurse the entire 24 months; perhaps many did less than a year. However, Chazal enacted this decree to protect the few children who **did** need to nurse this long, and would be endangered if they didn't. "They were worried about pikuach nefesh (danger to life) for even a slight concern."

Practically speaking, Rav Moshe Feinstein ruled leniently (Igros Moshe E.H. 4:49). A woman was widowed when her husband was killed in battle (presumably, the Sinai Campaign) and after 13 months a friend of her husband was proposed to her. She had already weaned the child, unrelated to thoughts of remarriage. The man did not want to wait any longer, and there was apprehension that relatives might discourage the match if delayed. Added to the fact that it's more difficult for a woman with children to find a husband, Rav Moshe permitted it. He said that it's preferable to wait at least until 18 months, but if impossible, she may marry even before 15 months.

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