

NOTES

Abba – אבא: Some commentaries explain that Rav was called Abba, meaning father, either due to his great wisdom, i.e., as he was like a father in wisdom, or out of affection (Rivan; Rashi). Others state simply that there is a tradition that Abba was Rav's actual name (*ge'onim*). Consequently, while his students and others referred to him by the title Rav, his colleague Shmuel called him by his real name (see *Arukh* on Abaye).

פוסקין מוונות לאשת איש, ושמואל אמר: אין פוסקין מוונות לאשת איש. אמר שמואל: מודה לי אבא בשלשה חדשים הראשונים, לפי שאין אדם מניח ביתו ריקן.

The court apports sustenance for a married woman,^H i.e., if a husband went overseas and left behind nothing with which his wife could provide for her sustenance, the court withdraws money from his estate for this purpose. **And Shmuel said:** The court **does not apportion sustenance for a married woman.** Shmuel further said: **Abba,**^N i.e., Rav, **concedes to me** that the court does not touch the husband's estate for the first three months. This is because a person does not leave his house empty, and therefore it is certain that he left something with which his wife can sustain herself at least in the short term.

בששמעו בו שמת – כולי עלמא לא פליגי. כי פליגי – בשלא שמעו בו שמת; רב אמר: פוסקין, דהא משוועבד לה. ושמואל אמר: אין פוסקין.

The Gemara comments: In a case where they heard that the husband died, everyone agrees that the court sustains his wife from his estate. When they disagree it is in a case where they did not hear that he had died abroad. Rav said that the court apports sustenance for the wife, as his estate is legally mortgaged to her and must provide her with sustenance, and Shmuel said that in this case the court does not apportion sustenance for her.

מאי טעמא? רב זביד אמר: אימא צררי אתפסה, רב פפא אמר: חיישינן שמא אמר לה "צאי מעשה ידיך במוונותיך".

The Gemara asks: What is the reason for Shmuel's ruling? Rav Zevid said: One can say that he gave her a bundle of money before he departed. Rav Pappa said: We are concerned that perhaps he said to her before his departure: Spend your earnings to sustain yourself, i.e., he renounced his rights to her earnings and in exchange he is no longer required to provide her with support.

מאי בינייהו? איבא בינייהו גדולה ולא ספקה.

The Gemara asks: What is the practical difference between these two explanations? The Gemara answers: There is a practical difference between them in a case where the woman is an adult, and therefore it is possible that he left her money, and the amount she earns is not enough^H for her needs. According to the opinion of Rav Zevid, one can assume that he gave her money and therefore it is not necessary for the court to allocate her sustenance from his estate, whereas according to the opinion of Rav Pappa, as her earnings are not enough for her sustenance the court apports more for her from his estate, despite the husband's possible stipulation.

אי נמי קטנה וספקה.

Alternatively, there is a difference between them in the case of a minor wife, with whom the husband would not have left money, but her earnings are enough for her sustenance. Rav Zevid would claim that the court must provide for her from his estate, as he would not have left her money, whereas Rav Pappa would argue that he might have told her to sustain herself from her own earnings.

HALAKHA

The court apports sustenance for a married woman – פוסקין מוונות לאשת איש: If a man went overseas and his wife comes to the court to claim her sustenance from his estate, she does not receive any during the first three months after his departure, as it is presumed that a man does not leave his home empty. After this point in time, the court apports sustenance for her from her husband's property. The *halakha* is in accordance with the opinion of Rav, as stated later in the Gemara (107b; Rambam *Sefer Nashim*, *Hilkhot Ishut* 12:16; *Shulhan Arukh*, *Even HaEzer* 70:5).

sustenance, her earnings are not taken into consideration until her husband returns. If he discovers that she has earned money, her earnings belong to him. The reason for this ruling is that the Gemara indicates that according to the opinion of Rav the court apports money for the wife's sustenance even where her earnings suffice for her sustenance (*Maggid Mishne*). Others maintain that she is given money only if it is determined that she is unable to support herself with her own earnings (Rosh). The reason is that when the court collects payment from someone in his absence, they make an effort to protect his interests (*Helkat Mehokek*; Rambam *Sefer Nashim*, *Hilkhot Ishut* 12:16; *Shulhan Arukh*, *Even HaEzer* 70:5, 70:10, and in the comment of Rema).

She is an adult and the amount she earns is not enough – גדולה ולא ספקה: When money is apportioned to a wife for her

She takes an oath at the end – תשבע בסוף – In the case of a woman whose husband went overseas, and instead of going to court she took the initiative and sold part of his estate to sustain herself, her sale is valid. She does not need to issue an announcement or take an oath unless her husband returns and claims that he left her money, or she comes to collect her marriage contract following his death, in which case she must swear that she sold his property only to provide herself with the necessary sustenance. The *halakha* is in accordance with the opinion of Ḥanan (Rambam *Sefer Nashim, Hilkhot Ishut* 12:16; *Shulḥan Arukh, Even HaEzer* 70:5).

And if he came and said I apportioned... he is deemed credible – ואם בא ואמר פסקתי... נאמן – If a woman did not file a claim for sustenance in court and did not sell her husband's estate but instead waited for his return, and he says that he left her funds with which to sustain herself while she claims that she had to borrow money in order to eat, the husband takes an oath of inducement and is exempt from any further obligation, and she must pay all her debts on her own (Rambam *Sefer Nashim, Hilkhot Ishut* 12:21; *Shulḥan Arukh, Even HaEzer* 70:10).

If he came and said, spend your earnings, etc. – אם בא ואמר צאי מעשה ידיך וכו' – If a husband said to his wife prior to his departure: Spend your earnings to sustain yourself, and she remained silent, she is not entitled to sustenance from him or his estate, because if she did not agree to his stipulation she should have raised a claim against him or told him that her earnings are not enough. However, if she did protest the arrangement, he cannot force her to accept it (Rambam *Sefer Nashim, Hilkhot Ishut* 12:20 and *Maggid Mishne* there; *Shulḥan Arukh, Even HaEzer* 70:9).

If the court went ahead and apportioned – קדמו בית דין – If a wife came to court in her husband's absence and the court apportioned funds for her sustenance, or if she sold property from his estate on her own initiative, and subsequently her husband came and said that he left her means for her sustenance, she must swear over a holy object, i.e., an oath by Torah law, that he did not leave her anything. The *halakha* is in accordance with the opinion of Ḥanan. However, if she sold movable property she must take an oath of inducement, by rabbinic law. The reason is that this property is legally in her possession, and therefore she is considered to have issued a full denial of a claim, not merely a partial one, and one who denies an entire claim does not swear by Torah law (Vilna Gaon; Rambam *Sefer Nashim, Hilkhot Ishut* 12:21–22; *Shulḥan Arukh, Even HaEzer* 70:10).

The court descends to his property – בית דין יורדים לנכסיו – When the court decides to apportion funds for a wife's sustenance, they sell properties from the estate of the husband to procure the requisite funds, as stated in the *baraita* (Rambam *Sefer Nashim, Hilkhot Ishut* 12:16; *Shulḥan Arukh, Even HaEzer* 70:5).

And not something else – ולא דבר אחר – The court apportioned funds for the sustenance of a wife whose husband has gone overseas. They use his estate to pay for food, clothes, household wares, and a place to live, but not for jewelry. The *halakha* is in accordance with the *baraita* and the opinion of Rav Ḥisda. The Vilna Gaon cites a tradition that Rav Ḥisda was Rav Yosef's teacher, and with regard to these first generations of *amora'im*, the *halakha* follows the earlier generation (Rambam *Sefer Nashim, Hilkhot Ishut* 13:7; *Shulḥan Arukh, Even HaEzer* 70:5).

S We learned in the mishna: With regard to **one who went overseas and his wife is demanding sustenance, Ḥanan says: She takes an oath at the end,^H and she does not take an oath at the outset. The sons of High Priests disputed Ḥanan's opinion and said: She takes an oath both at the outset and at the end.** The Gemara comments: **They disagree only with regard to an oath; however, with regard to sustenance everyone agrees that the court gives it to her.** This apparently contradicts the opinion of Shmuel. The Gemara explains that **Shmuel interpreted the mishna in accordance with his opinion as referring to a case when they heard concerning him that he died overseas.** In this scenario, everyone agrees that the court provides her with sustenance from the husband's estate.

Come and hear a baraita: With regard to **one who went overseas and his wife is demanding sustenance, the sons of High Priests say: She takes an oath. Ḥanan says: She does not take an oath, i.e., she receives sustenance without having to swear. And if he came and said: I apportioned money for her sustenance and left her with sufficient funds, he is deemed credible^H and she must return all that she received from his estate through the court.** This poses a difficulty for the opinion of Shmuel, who maintains that the court does not supply her with sustenance *ab initio*.

The Gemara answers: **Here, too,** it is referring to a case **where they heard concerning him that he died abroad.** The Gemara asks: **But the tanna said: If he came and said,** which indicates that the husband is not dead. The Gemara explains that the *baraita* means: **If he came after the rumor.** There was a rumor that he had died, and for this reason the court provided her with sustenance, and later it was determined that the rumor was false.

Come and hear another baraita: With regard to **one who went overseas and his wife is demanding sustenance, if he came and said that prior to his departure he told her: Spend your earnings^H to sustain yourself, he is permitted to act accordingly. If the court went ahead and apportioned^H sustenance for her, what they apportioned is apportioned,** and she is not required to return it. Again, this poses a difficulty for the opinion of Shmuel. The Gemara answers: **Here, too,** it is referring to a case **where they heard concerning him that he died abroad.**

Come and hear another baraita: With regard to **one who went overseas and his wife is demanding sustenance, the court descends to his property^H and feeds and provides a livelihood for his wife, but not for his sons and daughters, and they do not give her something else.^H** Once again this presents a difficulty for the opinion of Shmuel.

Rav Sheshet said: This is referring to **one who feeds his wife by means of a third party.^N** In this case, even if the husband was available he would not be providing her with her sustenance directly, as he appointed someone else to give her money in accordance with her needs. The Gemara asks: **If so, his sons^N and daughters should also receive this support.** The Gemara answers: It is referring to a case **where he appointed a third party for this purpose, his wife's sustenance, but he did not appoint a third party for this purpose, the sustenance of his children.** The Gemara asks: **If that is correct, why was it stated without qualification?** There is no hint in the *baraita* that the husband differentiated in this manner.

To one who feeds his wife by means of a third party – במטרה – **אָת אִשְׁתּוֹ עַל יְדֵי שְׁלִישׁ** – In this case the husband appointed the third party prior to leaving on his journey to care for his family. Later that third party decides that he no longer wishes to pay the required sums (Rivan).

If so, his sons, etc. – אֵי הֵכִי בָּנָיו וְכוּ' – According to the opinion of Rav that this does not refer to one who appointed

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a third party to care for his family, it is obvious why his wife alone is entitled to sustenance, as his property is mortgaged only with regard to her requirements, whereas it is merely an optional mitzva for him to sustain his children, not an obligation. However, according to the opinion of Shmuel, who maintains that he appointed someone for this purpose, the difference between his wife and his children is unclear (Ritva; see *Tosafot*).

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They may not descend – לֹא מֵצוּ נַחְתִּי: This *halakha* that the testimony of a single witness is accepted only with regard to a wife is based on the concern that she might end up a deserted wife if proper testimony were required. To ensure that the woman herself will examine the matter carefully, the Sages enacted several stringencies in this case. Although the testimony of this witness is legally valid not only to allow the woman to remarry but also to claim her marriage contract, nevertheless it is not considered full-fledged testimony. Consequently, it cannot be relied upon with regard to monetary matters, which means that the heirs do not inherit their father's property on the basis of that testimony.

אֵלָּא אָמַר רַב פַּפָּא: כְּשִׁשְׁמֵעָהּ בּוֹ שְׂמַת בְּעַד אֶחָד, הִיא, דְּאִי בְּעֵית אִינְסוּבֵי בְּעַד אֶחָד, מְצִי מִינְסָבָא – מְזוּנִי נְמִי יְהִיבִינָן לָהּ.

בְּנָיו וּבְנֹתָיו, דְּאִי בְּעוּ לְמִיחַת לְנִכְסָיו בְּעַד אֶחָד לֹא מֵצוּ נַחְתִּי – מְזוּנִי נְמִי לֹא יְהִיבִינָן לָהּ.

מַאי "דְּבַר אַחֵר"? רַב חֲסֵדָא אָמַר: תְּכַשִּׁיט, רַב יוֹסֵף אָמַר: צְדָקָה. מֵאֵן דְּאָמַר תְּכַשִּׁיט – כָּל שְׂכָן

Rather, Rav Pappa said that Shmuel would explain this *baraita* as referring to a case where she heard that he had died, and she was told this by one witness. Therefore, as far as she is concerned, since this is a case where if she wanted to remarry based on the testimony of that one witness she may marry, as in this situation the Sages permitted her to rely on the account of a single witness so that she not end up a deserted woman, the court also provides her with sustenance, as she may claim her marriage contract based on this testimony.

However, with regard to his sons and daughters, since this is a case where if they wanted to descend to his estate on the basis of the testimony of one witness, they may not descend^N and take the property, as two witnesses are required for matters of inheritance, the court also does not provide them with sustenance. As far as the children are concerned, there is still insufficient evidence for the death of their father.

Incidentally, the Gemara asks: What is: Something else, mentioned in the *baraita*? Rav Hisda said: This is a wife's ornaments, to which she is entitled in addition to her sustenance. Rav Yosef said: It is money for charity. The Gemara comments: According to the one who said that the court does not pay for her ornaments if the husband has gone overseas, all the more so

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The first three months – שְׁלֹשָׁה חֳדָשִׁים הָרִאשׁוֹנִים: For the first three months after her husband's death a *yevama* may neither enter into levirate marriage nor perform *halitza*, as she might be pregnant by her late husband. Since the delay is caused by the first husband, she is entitled to sustenance from his property. After this stage, she is no longer treated like a regular widow, as she is bound to her *yavam* by the levirate bond. However, as the *yavam* has not yet entered into levirate marriage with her, her status is less than that of a betrothed woman. Consequently, she is not entitled to sustenance from him (see Rivan).

צְדָקָה, מֵאֵן דְּאָמַר צְדָקָה אֲבָל תְּכַשִּׁיט – יְהִיבִינָן לָהּ, דְּלֹא נִחָא לִיָּה דְתִינּוּל.

תָּא שְׂמַע: הֵיבְמָה, שְׁלֹשָׁה חֳדָשִׁים הָרִאשׁוֹנִים – נִיזְוֶנָת מִשָּׁל בְּעָלָהּ,

מִיכָן וְאֵילָךְ – אֵינָה נִיזְוֶנָת לֹא מִשָּׁל בְּעָלָהּ וְלֹא מִשָּׁל יָבָם. עָמַד בְּדִין וּבָרַח – נִיזְוֶנָת מִשָּׁל יָבָם.

he maintains that she does not receive money from his property for charity, as the court does not take donations of charity from one's property without his knowledge. Conversely, the one who said that the court does not give money for charity would argue: However, they do give her ornaments, as it is assumed that it is not satisfactory for him for his wife to be degraded by a lack of jewelry.

The Gemara further suggests: Come and hear: With regard to a *yevama*, a woman whose husband died childless and he has a brother [*yavam*], and who is waiting either to enter into levirate marriage with the *yavam* or perform *halitza*, for the first three months^N after her husband's death she is sustained from the property of her husband.^H

From then on, as long as she has not entered into levirate marriage, she is not sustained, neither from the property of her husband nor from that of the *yavam*. If the *yavam* stood in judgment and the court ruled that he should enter into levirate marriage, and he fled, she is sustained from the property of the *yavam*. This apparently contradicts Shmuel's ruling, as here the woman is provided with sustenance from the estate of the *yavam* in his absence, despite the fact that his obligation toward her is less than that of a husband.

HALAKHA

The sustenance of a *yevama* – מְזוּנֶת יְבָמָה: For the first three months after the death of her husband, a *yevama* receives her sustenance from his property. From that point onward, she is sustained neither from the property of the husband nor from that of the *yavam*. If her *yavam* stood in judgment and he was required to perform *halitza* or enter into levirate marriage with

her, and he agreed but was unable act upon the ruling due to circumstances beyond his control, e.g., an illness (Jerusalem Talmud) or if he had to flee the country, he is obligated to provide her sustenance (Rambam *Sefer Nashim, Hilkhot Ishut* 18:15; *Shulhan Arukh, Even HaEzer* 106:1).

האשה – אשה שהגיעה מן המדינות הנזכרות: If a woman who traveled overseas with her husband returned alone, claiming that her husband died, she is believed. She may choose whether she wishes to receive her sustenance as a widow or to receive payment of her marriage contract. If she says that her husband divorced her, she is not believed, but she may take her sustenance up to the value of her marriage contract, as she is entitled to this sum in any case (Rambam *Sefer Nashim, Hilkhot Ishut* 18:24; *Shulḥan Arukh, Even HaEzer* 93:17).

One who refuses her husband does not receive sustenance – ממיאנת אין לה מוונות: With regard to a minor girl who was married off by her mother or brothers, as long as she remains with her husband he is obligated to provide her sustenance and her redemption. However, if he went overseas, and she borrowed money for her sustenance or her redemption and subsequently refused him, he is not obligated to pay her debts, as stated in the *baraita* here (Rambam *Sefer Nashim, Hilkhot Ishut* 24:5; *Shulḥan Arukh, Even HaEzer* 116:5).

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פתייתו בה כולי האי – Have you gone that far: Some commentaries suggest two explanations of this statement. It may be a rhetorical question: Were you able to analyze this case to such great depth? Alternatively, it may be a challenge: If you did in fact discuss this case, you should have reached a different conclusion (Rivan).

אמר לך שמואל: למאי נחוש לה להאי? אי משום צריי – לא מיקרבא דעתיה לגבה, אי משום מעשה ידיה – לא משתעבדא ליה.

The Gemara answers that Shmuel could have said to you: With regard to what need we be concerned in this case? If the concern is due to the possibility that he gave her a bundle of money before his departure, the mind of the *yavam* is not that close to this woman that he would leave money with her; if the concern is due to her earnings, i.e., that he said to her: Spend your earnings to sustain yourself, she is not yet obligated to give him her earnings.

תא שמע: האשה שהלכה היא ובעלה למדינת הים, ובאת ואמרה: מת בעלי, רצתה – ניוונת, רצתה – גובה כתובתה. "צירשני בעלי" – מתפרנסת והולכת עד כדי כתובתה.

Come and hear: With regard to a wife who went with her husband overseas, and she came^h back and said: My husband died, if she wishes she is sustained from his property, and if she wishes she collects payment of her marriage contract. If she said: My husband divorced me, but she does not present a bill of divorce, she is continually sustained from his property up to the amount of her marriage contract. The reason is that she may collect this money whether or not her claim is believed: If she is still married, she is entitled to her sustenance, and if she is divorced she receives the marriage contract. This once again presents a difficulty for the opinion of Shmuel, as she collects money from her husband's estate in his absence.

הכא נמי כששמעו בו שמת. ומאי שנא עד כדי כתובתה? דאיהי היא דאפסידה אנפשה.

The Gemara answers: Here, too, it is referring to a case where they heard concerning the husband that he died. The Gemara asks: And what is different about the sum up to the amount of her marriage contract; why is she given no more than this? If he is dead, she should be allowed to sustain herself from all his property until she weds another. The Gemara answers: The reason is that she is the one who caused the loss to herself. By claiming that she was divorced, she forfeits her right to more sustenance.

תא שמע: כיצד אמרו ממאנת אין לה מוונות? אי אתה יכול לומר ביושבת תחת בעלה – שהרי בעלה חייב במוונות. אלא כגון שהלך בעלה למדינת הים; לותה ואכלה, עמדה ומיאנה. טעמא – דמיאנה, הא לא מיאנה – והבינן לה!

The Gemara further suggests: Come and hear: How, i.e., in what case, did the Sages say that a minor who refuses her husband does not receive sustenance?^h You cannot say that this *halakha* applies to a young girl who is living under the authority of her husband, as her husband is obligated in her sustenance. Rather, it applies to a case where her husband went overseas, and she borrowed money and sustained herself for a while, and subsequently she arose and refused him. The Gemara infers: The reason is that she refused him, which indicates that if she did not refuse her husband, the court gives her sustenance. This apparently shows that a woman is sustained from her husband's property when he goes overseas.

אמר לך שמואל: הכא למאי נחוש לה? אי משום צריי – צריי לקטנה לא מתפס, ואי משום מעשה ידיה – קטנה לא ספקה.

The Gemara answers that Shmuel could have said to you: With regard to what need we be concerned here? If the concern is due to the possibility that he left her a bundle of money before his departure, one does not give a bundle of money to a minor. If the concern is due to the possibility that he instructed her to subsist on her earnings, the earnings of a minor are not enough to cover the expenses of her sustenance. In summary, no resolution has been found for the dispute between Rav and Shmuel, notwithstanding the numerous sources cited by the Gemara.

מאי הוה עלה? כי אתא רב דימי אמר: מעשה בא לפני רבי בבית שערין, ופסק לה מוונות. לפני רבי ישמעאל בצפורי, ולא פסק לה מוונות. תהי בה רבי יוחנן: וכי מה ראה רבי ישמעאל שלא פסק לה מוונות? הא לא נחלקו בני בהנם גדולים וחנון אלא לענין שבועה, אבל מוונתי – והבינן לה!

The Gemara asks: What is the conclusion that was reached about this dispute? How should this case be treated in practice? When Rav Dimi came from Eretz Yisrael, he said: An incident of this kind came before Rabbi Yehuda HaNasi in Beit She'arim, and he apportioned sustenance for her. However, a similar incident came before Rabbi Yishmael in Tzipori, and he did not apportion sustenance for her. Rabbi Yoḥanan wondered about this ruling: And what did Rabbi Yishmael see such that he did not apportion sustenance for her? After all, the sons of High Priests and Hanan disagreed in the mishna only with regard to whether she is obligated to swear an oath, but as far as sustenance is concerned, they concur that the court gives it to her.

אמר ליה רב שמן בר אבא כפר תרגמה רבינו שמואל בבבל: כששמעו בו שמת. אמר ליה: פתייתו בה כולי האי?

Rav Shemen bar Abba said to Rabbi Yoḥanan: Our Rabbi in Babylonia, Shmuel, already interpreted it as referring to a case where they heard concerning the husband that he died. Rabbi Yoḥanan said to him in astonishment: Have you gone that farⁿ in your analysis of this case that you were able to resolve this problem?

NOTES

Glazed vessels – מאני דקוניא: Rashi explains that these vessels are plated with lead, while others claim that this is referring to vessels glazed with glass (*Tosafot*; Rabbeinu Ḥananel; *Arukh*). Some commentaries contend that Rav Zevid's ruling refers only to cold liquids, e.g., wine used as a libation. In the case of hot substances, however, Rav Zevid concedes that these earthenware vessels remain prohibited (see *Tosafot*).

And someone arose and sustained – ועמד אחד ופינס: Rashi and most authorities maintain that this does not apply if the woman borrows money. In that case, the lender sues her for the money, and she in turn claims payment from her husband, who must pay her. However, others contend that even in this situation, the man who funded her is not entitled to anything unless the husband agrees to pay him (*ge'onim*). The commentaries further note that although in many cases the Sages decreed that one who freely spent money in aid of another should be reimbursed, in this case the obligation to sustain the woman is a personal one that applies exclusively to her husband (*Nimmukei Yosef*). Furthermore, it can be argued that the provider's intervention was unnecessary, since if she limited her expenses she could presumably sustain herself through her own earnings.

LANGUAGE

Glazed [*kunya*] – קוניא: From the Greek *kovia*, *konya*, meaning dust, sand, or various powders. It can be used to refer to vessels covered with glaze, lime, or stucco.

BACKGROUND

Glazed vessels [*manei dekunya*] – מאני דקוניא: As described in the Gemara, *manei dekunya* are vessels glazed with different types of materials, which give the vessel various colors. Due to the variation in material, different types of glaze also affect the degree to which the contents of the vessel are absorbed into the vessel walls. Glazing is achieved by covering the earthenware vessel during its manufacture with certain materials, mainly salts. The quality of the glazing and the degree of its impermeability are largely dependent on the temperature achieved during its manufacture and the specific substances used. Even nowadays a lead base is often used for glazing (see Rashi), to which various salts are added. Certain types of glazing are likely to crack, in which case the vessels would absorb the liquids placed in them. In summary, the colors of the glazing mentioned here reflect the technique used for sealing the vessels, which affects both their impermeability and the potential for the appearance of holes and cracks.

כי אתא רבין אמר: מעשה בא לפני רבי בבית שערים ולא פסק לה מזונות. לפני רבי ישמעאל בציפורי ופסק לה מזונות. אמר רבי יוחנן: מה ראה רבי שלא פסק לה? דהא לא נחלקו חנן ורבי בהנחם גדולים אלא לענין שבועה, אבל מזונות – יהבינן לה! אמר ליה רב שמן בר אבא: כבר תרגמה שמואל בבבל – כששמעו בו שמת. אמר ליה: פתירתו בה כולי האי?

והלכתא פותיה דרב, ופוסקין מזונות לאשת איש. והלכתא פותיה דרב הויתא אמר רב. דאמר רב הויתא אמר רב: יכולה אשה שתאמר לבעלה: איני ניוזנת ואיני עושה.

והלכתא פותיה דרב וביד בקוניא. דאמר רב יבד: הני מאני דקוניא, חיוור וכוהו – שרו.

ירוקי – אסירי. ולא אמרו אלא דלית בהו קרטופני, אבל אית בהו קרטופני – אסירי.

מתני' מי שהלך למדינת הים, ועמד אחד ופינס את אשתו. תנן אומר: איבד את מעותיו.

When Ravin came from Eretz Yisrael, he said a different version of this discussion: An incident came before Rabbi Yehuda HaNasi in Beit She'arim, and he did not apportion sustenance for her; an incident came before Rabbi Yishmael in Tzippori, and he apportioned sustenance for her. Rabbi Yoḥanan said: And what did Rabbi Yehuda HaNasi see such that he did not apportion sustenance for her? As, the sons of High Priests and Ḥanan disagreed only with regard to an oath, but when it comes to sustenance, the court gives it to her. Rav Shemen bar Abba said to Rabbi Yoḥanan: Shmuel in Babylonia already interpreted it as referring to a case where they heard concerning him that he died. Rabbi Yoḥanan said to him in astonishment: Have you gone that far in your analysis of this case?

The Gemara concludes: And the *halakha* is in accordance with the opinion of Rav, and therefore one apportions sustenance for a married woman^H whose husband went overseas. In passing, the Gemara mentions other rulings of *halakha*. And the *halakha* is in accordance with that which Rav Huna said that Rav said. As Rav Huna said that Rav said: A woman can say to her husband: I will not be sustained by you and in turn I will not work,^H i.e., you will not keep my earnings. The reason is that this arrangement was enacted by the Sages for the wife's benefit. Consequently, she can relinquish her rights to her sustenance in this manner.

And the *halakha* is in accordance with the opinion of Rav Zevid with regard to glazed [*kunya*]^L vessels. As Rav Zevid said: With regard to these glazed vessels [*manei dekunya*],^{NBH} i.e., earthenware vessels that are glazed over, the white and black ones are permitted after they have been washed, as the glazing prevents the vessels from absorbing the foods placed inside them. Some earthenware vessels absorb the food and drink that is cooked in them and are therefore rendered forbidden if at any time they contained forbidden food, e.g., wine poured as a libation or leaven on Passover. The white and black vessels are not considered like regular earthenware vessels, which are rendered permanently forbidden.

Conversely, green ones are forbidden, as they absorb from the substances placed inside them. And we said that white and black ones are permitted only if they do not have cracks; however, if they have cracks they are forbidden, as the forbidden food is absorbed by the earthenware through the cracks.

MISHNA In the case of a husband who went overseas, and someone arose and sustained^N his wife^H in his absence, and upon the husband's return the provider demands from him the money he spent on his wife, Ḥanan says: He has lost his money, i.e., the husband is not obligated to repay him, as the provider acted of his own free will and was not instructed to do so by the husband.

HALAKHA

One apportions sustenance for a married woman – פוסקין ויש מזונות לאשת איש: If a woman's husband went overseas, the court apportions sustenance for her, in accordance with the opinion of Rav. The Rambam adds that although the *ge'onim* dispute whether a woman who does not present her marriage contract is provided with sustenance, he rules that she is given sustenance during the husband's lifetime, as a husband's obligation to provide his wife with sustenance applies by Torah law (Rambam *Sefer Nashim, Hilkhot Ishut* 12:18; *Shulḥan Arukh, Even HaEzer* 70:8).

I will not be sustained and I will not work – איני ניוזנת ואיני עושה: The Sages instituted that a woman must give her husband her earnings in exchange for her sustenance. Since this enactment is for her benefit, if she says: I will not be sustained

by you and in turn I will not work, her request is accepted, and she cannot be compelled to give him her earnings. The *halakha* is in accordance with the opinion of Rav Huna (Rambam *Sefer Nashim, Hilkhot Ishut* 12:4; *Shulḥan Arukh, Even HaEzer* 69:4).

Glazed vessels – מאני דקוניא: With regard to vessels glazed with lead or with shards of glass (*Tosafot*), if they are green their status is like that of vessels made from natron, and they are rendered permanently forbidden if they had been used for forbidden food. With regard to white or black vessels, if they have no cracks then they have the status of metal vessels with regard to cleansing, but if they are cracked they are treated like other earthenware vessels. The *halakha* is in accordance with the opinion of Rav Zevid (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 11:19; *Shulḥan Arukh, Yoreh De'a* 135:6).

ועמד אחד ופינס – את אשתו: If a man went overseas and someone else sustained his wife, the husband is not obligated to repay him upon his return, as he did not instruct him to do so and she did not borrow the money from him. The *halakha* is in accordance with the opinion of Ḥanan (see 109a). Some commentaries write that if this provider owed money to the husband, the amount he gave the wife is deducted from his debt (Rema, based on *Mordekhai*), and similarly, if anyone sustained her from the husband's property he is exempt from payment (*Beit Shmuel; Helkat Meḥokek*; Rambam *Sefer Nashim, Hilkhot Ishut* 12:19; *Shulḥan Arukh, Even HaEzer* 70:8).

נחלקו עליו בני כהנים גדולים, ואמר: ישיבע כמה הזציא, ויטול. אמר רבי דוסא בן הרפינס כדברייהם. אמר רבי יוחנן בן זכאי: יפה אמר חנן: הניח מעותיו על קרן הצבי.

The sons of High Priests disagreed with Hanan's opinion and said: The man swears how much he spent on behalf of the woman, and he takes that sum from the husband. Rabbi Dosa ben Harkinas said that the *halakha* is in accordance with their statement. Rabbi Yohanan ben Zakkai said: Hanan spoke well in this case, as this man is like one who placed his money on the horn of a deer in midflight, i.e., he has no reasonable expectation of reimbursement.

גמ' תנן התם: המוּדָר הנָאָה מַחֲבִירו

GEMARA We learned in a mishna there (*Nedarim* 33a): With regard to one who is prohibited by a vow from deriving benefit from another,

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שוקל לוֹ אֶת שְׁקֵלוֹ, ופּוֹרֵעַ אֶת חוּבוֹ, ומַחְזִיר לוֹ אֲבִידָתוֹ. וּבִמְקוֹם שְׁנוּטְלִין שָׂכָר – תּוֹפֵל הַנָּאָה לְהַקְדֵּשׁ.

the other may contribute his shekel for him,^H i.e., it is permitted for the second individual to donate the half-shekel from his own money to the Temple on behalf of the first one, who is prohibited by the vow from deriving benefit; and he may repay his debt^H for him, i.e., if the one prohibited by the vow owes money to a third party, the one from whom he may not derive benefit may pay off that debt on his behalf. And he may return to him his lost object,^H and in a place where one takes a wage^N for returning a lost article, the benefit paid for the return of the item goes to the Temple treasury of consecrated property.^N

בְּשִׁלְמָא שׁוֹקֵל לוֹ אֶת שְׁקֵלוֹ – מִצְוָה קַעֲבִיד, דְּתַנּוּ: תּוֹרְמִין עַל הָאֲבִיד וְעַל הַגְּבוּי וְעַל הָעֵתִיד לְגָבוּת.

The Gemara discusses this mishna: **Granted, he may contribute his shekel for him, as he thereby performs a mitzva.** The one prohibited by the vow from deriving benefit does not derive any direct benefit from this action, as even if he did not pay the half-shekel, all Jews have a share in the communal offerings brought in the Temple, as we learned in a *baraita*: One performs the collection of money from the chamber with the intention that the ceremony apply to money that is lost,^H and money that has already been gathered but has not yet been brought to the Temple, and money that will be gathered in the future. This shows that even if one did not give a half-shekel, the communal offerings are nevertheless sacrificed in his name.

ומַחְזִיר לוֹ אֲבִידָתוֹ – נִמְי מִצְוָה קַעֲבִיד. אֵלָּא פּוֹרֵעַ לוֹ אֶת חוּבוֹ – הָאֵא קַמְשַׁתְּרֵשִׁי לִיהּ!

And concerning the *halakha* that he may return to him his lost object, he also performs a mitzva^N by means of this action. However, with regard to the statement that he may repay his debt for him, this is problematic because it provides a gain for the one prohibited by the vow from deriving benefit; if he did not repay the person's debt, that person would have to pay it from his own pocket. Consequently, it should be considered as though the one prohibited from deriving benefit received money.

NOTES

ובמקום שנוטלין שכר – תפול הנאה להקדש: And in a place where one takes a wage – There is no obligation to give a reward to one who returned a lost object, as there is both a mitzva to return a lost article to its rightful owner and a prohibition against neglecting this duty. Nevertheless, in some places the owner of the lost article presents a small gift to the finder as a sign of his gratitude. In certain circumstances, the owner of the lost object must reimburse the finder if he had taken time from his work to restore the lost item to its owner.

The benefit goes to the Temple treasury of consecrated property – תפול הנאה להקדש: The Gemara in *Nedarim* 33a asks why the finder cannot accept his reward; after all, it is the owner of the lost object who is prohibited from deriving benefit from the finder, not the reverse. One answer, cited by Rashi here, is that this refers to a case where each of them was prohibited by vow from deriving benefit from the other, which means that

the finder may not derive benefit from the owner of the lost article either. Others explain that this refers to a place where it was customary to give something to the finder; however, this finder would rather not derive benefit from this type of favor. Under other circumstances, the finder could simply refuse the reward, but if he does so in this case he is providing benefit to the owner. Consequently, the money is given to a third party, the Temple treasury of consecrated property (*Nimmukei Yosef*).

He also performs a mitzva – נמי מצוה קעבִיד: The fact that he is performing a mitzva is not enough to render this action permitted, since if the other person is in need of charity he may not give him money, despite the fact that by doing so he would fulfill a mitzva. The difference between these two cases is that as opposed to one who donates to charity, one who returns a lost object does not give anything tangible of his own, as he merely returns to the owner that which belongs to him (*Ritva*).

HALAKHA

May contribute his shekel for him – שוקל לוֹ אֶת שְׁקֵלוֹ: In a case where one is prohibited by a vow from deriving benefit from another, that other person may donate the half-shekel to the Temple treasury on his behalf (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 6:4).

And he may repay his debt – ופּוֹרֵעַ אֶת חוּבוֹ: In a case where one is prohibited by vow from deriving benefit from another, that other individual may pay off his debts. Even if the one who paid the debt was given the collateral the lender had previously taken, he must return it to the borrower. This is in accordance with the opinion of Hanan and the statement in the Jerusalem Talmud that this *halakha* refers not only to one who provides sustenance for a wife but to any case involving a creditor (see *Tosafot*). However, some authorities (*Bah; Sma*) dispute this and maintain that this *halakha* applies only to debts that are similar to sustenance (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 6:4; *Shulhan Arukh*, *Yoreh De'a* 221:2).

And he may return to him his lost object – ומַחְזִיר לוֹ אֲבִידָתוֹ: In a case where one is prohibited by vow from deriving benefit from another, that other individual may return to him his lost object. If the two are mutually prohibited from benefiting from each other, and they are in a place where a reward is given to one who returns a lost article to its rightful owner, the one who found the lost object returns it to the other in fulfillment of the mitzva, and the reward is paid to the Temple treasury of consecrated property (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 7:1; *Shulhan Arukh*, *Yoreh De'a* 221:3).

One performs the collection for money that is lost, etc. – תּוֹרְמִין עַל הָאֲבִיד וְכו': When the treasurers take money from the chamber, they do so with the intention that this money represents those whose coins are in the chamber, those whose coins were collected but did not yet arrive to the chamber, and those whose coins are yet to be collected (Rambam *Sefer Zemanim*, *Hilkhot Shekalim* 2:9 and *Kesef Mishne* there).