NOTES

If the father delivered…she is sentenced to strangulation – מְסַר הָאָב…הֲרֵי זוֹ בְּחֶנֶק: Some commentaries write that this *baraita* does not prove that delivering a woman to her husband's messengers changes her status to that of a married woman, and therefore it has no bearing on the earlier dispute (*Shita Mekubbetzet*). This is because the *baraita*, as the Gemara explains, merely proves that a bride who has been transferred to her husband's messenger is no longer classified as a betrothed young woman, as she is not in her father's house. However, this does not necessarily mean that she is considered a married woman (see Rivan).

HALAKHA

The execution of an adulteress – מִיתַת הַנּוֹאֶפֶת: If a betrothed young woman committed adultery, she and the one with whom she committed adultery are sentenced to stoning. If she was a grown woman, or if she had entered the wedding canopy, even if she had not yet engaged in intercourse with her husband, or if her father had delivered her to the husband's messengers, even before the wedding canopy, she is liable to be executed by strangulation, like a regular married woman who committed adultery (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 3:4).

תָּנָא: מָסַר הָאָב לִשְׁלוּחֵי הַבַּעַל וְזִינְּתָה – הֲרֵי זוֹ בְּחֶנֶק. מְנָא הָנֵי מִילֵּי? אָמַר רַבִּי אַמִּי בַּר חָמָא: אָמַר קְרָא ״לִזְנוֹת בֵּית אָבִיהָ״ – פָּרָט לְשֶׁמָּסַר הָאָב לִשְׁלוּחֵי הַבַּעַל.

§ A Sage **taught** in a *baraita*: If **the father delivered** his daughter **to the husband's messengers and she** subsequently **committed adultery, she is** sentenced **to strangulation,**[N] in accordance with the *halakha* of a married woman who committed adultery, rather than stoning, which is the punishment for a betrothed woman who commits adultery.[H] The Gemara asks: **From where are these matters** derived? **Rabbi Ami bar Ḥama said** that **the verse states,** in the context of the command to stone a young woman who commits adultery during betrothal: **"To play the whore in her father's house"** (Deuteronomy 22:21), which **excludes** a case **when the father has delivered** her **to the husband's messengers,** when she is no longer in her father's house.

וְאֵימָא פָּרָט שֶׁנִּכְנְסָה לַחוּפָּה וְלֹא נִבְעֲלָה!

The Gemara raises a difficulty: **But** one can **say** that the verse is **excluding** a case **where she has entered the wedding canopy but she has not** yet **had intercourse,** whereas if her father has merely delivered her to the husband's messengers she is still considered to have sinned in his house and is punishable by stoning like any other betrothed woman.

אֲמַר רָבָא, אֲמַר לִי אַמִּי: חוּפָּה בְּהֶדְיָא כְּתִיבָא. ״כִּי יִהְיֶה נַעֲרָה בְּתוּלָה מְאוֹרָשָׂה לְאִישׁ״, נַעֲרָה״ – וְלֹא בּוֹגֶרֶת: ״בְּתוּלָה״ – וְלֹא בְּעוּלָה: ״מְאוֹרָשָׂה״ – וְלֹא נְשׂוּאָה.

In answer to this question, **Rava said:** The verse cannot be excluding that case, as **Ami said to me** that the case where she already entered the **wedding canopy is** not derived by inference from that verse; it is **explicitly written** in the following verse: **"If there is a young woman who is a virgin betrothed to a man"** (Deuteronomy 22:23). The terminology of the verse indicates that it applies to a **"young woman" and not** to **a grown woman;** to a **"virgin" and not** to **a non-virgin;** and to a **"betrothed"** woman **and not** to **a married woman.**

מַאי נְשׂוּאָה? אִילֵימָא נְשׂוּאָה מַמָּשׁ – הַיְינוּ בְּתוּלָה וְלֹא בְּעוּלָה. אֶלָּא לָאו – שֶׁנִּכְנְסָה לַחוּפָּה וְלֹא נִבְעֲלָה.

The Gemara analyzes this statement: **What is** the meaning of the term: **A married woman,** in this context? **If we say** that she is **actually married** and has already engaged in intercourse with her husband, **this** ruling **is** the same as the previous one, that she must be **a virgin and not a non-virgin. Rather, is it not** the case that it is referring to a woman **who has entered the wedding canopy but has not had intercourse,** and yet if she committed adultery at this stage she is sentenced to strangulation, like one who had engaged in relations with her husband? Consequently, the other verse, cited by Rabbi Ami bar Ḥama, cannot be referring to this case.

Perek **IV**
Daf **49** Amud **a**

וְאֵימָא: הֵיכָא דְּהָדְרָא לְבֵי נָשָׂא – הָדְרָא לְמִילְּתָא קַמַּייְתָא! אֲמַר רָבָא: הַהוּא כְּבָר פְּסָקָהּ תַּנָּא דְּבֵי רַבִּי יִשְׁמָעֵאל.

The Gemara asks another question: **But say** that in a case **where she returns to her father's house,** she **returns** to the **previous matter,** i.e., her former status, as though she had never left her father's authority. **Rava said: That** question **has already been resolved** by **the *tanna* of the school of Rabbi Yishmael.**

דְּתָנָא דְּבֵי רַבִּי יִשְׁמָעֵאל: ״וְנֵדֶר אַלְמָנָה וּגְרוּשָׁה כֹּל אֲשֶׁר אָסְרָה עַל נַפְשָׁהּ יָקוּם עָלֶיהָ״, מַה תַּלְמוּד לוֹמַר? וַהֲלֹא מוּצֵאת מִכְּלַל אָב וּמוּצֵאת מִכְּלַל בַּעַל!

This is **as** the *tanna* of **the school of Rabbi Yishmael taught: "But the vow of a widow or of a divorcée, everything with which she has bound her soul shall stand against her"** (Numbers 30:10). **What** is the meaning when **the verse states** this? **Is it not** already known that if she is widowed or divorced **she has** already **been removed from the category** of one under the authority of her **father and she has** likewise **been removed from the category** of one under the authority of her **husband?** Who, then, could possibly nullify her vows?

אֶלָּא, הֲרֵי שְׁמָסַר הָאָב לִשְׁלוּחֵי הַבַּעַל, אוֹ שֶׁמָּסְרוּ שְׁלוּחֵי הָאָב לִשְׁלוּחֵי הַבַּעַל, וְנִתְאַרְמְלָה בְּדַרְכָּהּ אוֹ נִתְגָּרְשָׁה – הֵיאָךְ אֲנִי קוֹרֵא בָּהּ, בֵּית אָבִיהָ שֶׁל זוֹ אוֹ בֵּית בַּעְלָהּ שֶׁל זוֹ? אֶלָּא לוֹמַר לְךָ: כֵּיוָן שֶׁיָּצְאָה שָׁעָה אַחַת מֵרְשׁוּת הָאָב – שׁוּב אֵינוֹ יָכוֹל לְהָפֵר.

Rather, this is referring to a case **where the father delivered** his daughter **to the husband's messengers or where the father's messengers delivered** her **to the husband's messengers, and she was widowed or divorced on** her **way** to the wedding canopy. **How do I consider her?** Is she a member of **her father's house, or** a member of **her husband's house?** Her status is entirely unclear. **Rather,** this verse comes **to tell you: Since she has left her father's domain** for **a short time** her father **is no longer able to nullify** her vows,[H] as she is considered a widow or a divorcée in all regards. The same applies to the issue at hand: She retains the status of a married woman even if she returns to her father's house.

אָמַר רַב פַּפָּא: אַף אֲנַן נָמֵי תָּנֵינָא: הַבָּא עַל נַעֲרָה הַמְאוֹרָסָה – אֵינוֹ חַיָּיב עַד שֶׁתְּהֵא נַעֲרָה בְּתוּלָה מְאוֹרָסָה, וְהִיא בְּבֵית אָבִיהָ. בִּשְׁלָמָא נַעֲרָה – וְלֹא בּוֹגֶרֶת, בְּתוּלָה – וְלֹא בְּעוּלָה, מְאוֹרָסָה – וְלֹא נְשׂוּאָה: ״בְּבֵית אָבִיהָ״ לְמַעוּטֵי מַאי – לָאו לְמַעוּטֵי מָסַר הָאָב לִשְׁלוּחֵי הַבַּעַל?

Rav Pappa said: We, too, learn this principle in a mishna (*Sanhedrin* 66b): **One who has intercourse with a young woman betrothed** to another **is liable** to stoning **only if she is a virgin, a young woman, betrothed, and she is in her father's house.** The Gemara analyzes this mishna: **Granted,** the term **young woman** indicates that this punishment does **not** apply if she is **a grown woman;** similarly, this punishment applies only if she is **a virgin, but not** if she is **a non-virgin,** and only if she is **betrothed, but not** if she is **a married woman.** However, when the mishna states that she is **in her father's house, what** does that phrase come **to exclude?** Does it **not** serve **to exclude** a case when **the father delivered** her **to the husband's messengers,** indicating that in such a case the punishment of stoning no longer applies?

אָמַר רַב נַחְמָן בַּר יִצְחָק: אַף אֲנַן נָמֵי תָּנֵינָא: הַבָּא עַל אֵשֶׁת אִישׁ, כֵּיוָן שֶׁנִּבְנְסָה לִרְשׁוּת הַבַּעַל לְנִשּׂוּאִין, אַף עַל פִּי שֶׁלֹּא נִבְעֲלָה – הַבָּא עָלֶיהָ הֲרֵי זֶה בְּחֶנֶק. נִבְנְסָה לִרְשׁוּת הַבַּעַל בְּעָלְמָא – שְׁמַע מִינָּהּ.

Rav Naḥman bar Yitzḥak said: We, too, learn this principle in another mishna (*Sanhedrin* 89a): With regard to **one who has intercourse with a married woman, once she has entered her husband's authority for marriage, even though she has not had intercourse** with him, **one who has intercourse with her is** punished **by strangulation,** which is the punishment for adultery with a married woman. It is clear that this *halakha* applies if **she merely entered the husband's authority** for the purpose of marriage, even if they have not yet entered the wedding canopy. The Gemara concludes: Indeed, **learn from here** that this is so.

מתני׳ הָאָב אֵינוֹ חַיָּיב בִּמְזוֹנוֹת בִּתּוֹ. זֶה מִדְּרָשׁ דָּרַשׁ רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה לִפְנֵי חֲכָמִים בְּכֶרֶם בְּיַבְנֶה: הַבָּנִים יִירְשׁוּ, וְהַבָּנוֹת יְזוֹנוּ. מָה הַבָּנִים אֵינָן יוֹרְשִׁין – אֶלָּא לְאַחַר מִיתַת הָאָב, אַף הַבָּנוֹת אֵין נִיזּוֹנוֹת – אֶלָּא לְאַחַר מִיתַת אֲבִיהֶן.

MISHNA **A father is not obligated to** provide **his daughter's sustenance. This exposition was expounded**[N] by **Rabbi Elazar ben Azarya before the Sages in the vineyard of Yavne:**[N] Since the Sages instituted that after the father's death, **the sons inherit**[N] the sum of money specified in their mother's marriage contract, **and the daughters are sustained** from their father's estate, these the two *halakhot* are equated: **Just as the sons inherit only after the father's death,** not during his lifetime, **so too, the daughters are sustained** from his property **only after their father's death.**

HALAKHA

Since she has left her father's domain for a short time, he is no longer able to nullify her vows – כֵּיוָן שֶׁיָּצְאָה שָׁעָה אַחַת מֵרְשׁוּת הָאָב שׁוּב אֵינוֹ יָכוֹל לְהָפֵר: If a betrothed young woman's father, or his messengers, accompanied the husband or his messengers as they brought the woman to the wedding canopy, she does not completely leave her father's authority until she enters the wedding canopy. During this period, her father and her husband together can nullify her vows. However, if her father or his messengers handed her over to the husband or his messengers, the father can no longer nullify her vows. Consequently, even if the groom died before the couple could enter the wedding canopy, and the bride returned to her father's house while she was still a young woman, her father does not regain the right to nullify her vows. However, some hold that the father can nullify vows that she took upon herself after the death of her husband (*Beit Yosef*, citing *Tur*; see *Shakh* and *Taz*; Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 11:22; *Shulḥan Arukh*, *Yoreh De'a* 234:12).

NOTES

This exposition was expounded – זֶה מִדְּרָשׁ דָּרַשׁ: In the Jerusalem Talmud this exposition is discussed at length. The basis of this exposition is the fact that these two obligations are juxtaposed in the marriage contract. However, although it is common for the Sages to derive *halakhot* based upon the juxtaposition of laws in the Torah, it is quite unusual for them to derive *halakhot* based upon the juxtaposition of clauses in a legal contract.

In the vineyard of Yavne – בְּכֶרֶם בְּיַבְנֶה: As explained by the commentaries, this was the name of the Sanhedrin that presided in Yavne. It was called a vineyard because when it was in session, the Sages themselves, along with their students, would sit in rows, like the rows of a vineyard (Jerusalem Talmud). It is also possible that the Sanhedrin may have been situated near vineyards, lending the name a double meaning. The Rambam in his Commentary on the Mishna (*Eduyyot* 2:4), adds that this name alludes to the entire Jewish people, which is compared by the prophets to a vineyard (see Isaiah 5:1). Although this Sanhedrin did not have the full authority available to a Sanhedrin because it was not located on the Temple Mount, the Sages of this council did meet in order to formally establish *halakhot* for generations to come.

The sons inherit, etc. – הַבָּנִים יִירְשׁוּ וכו׳: The commentaries explain that this is not referring to the *halakha* of inheritance according to Torah law. Rather, it is one of the rabbinically instituted stipulations of the marriage contract that the sons born to this wife should inherit their mother's marriage contract, regardless of their share in the inheritance of their father's property. This is known as the marriage document concerning male children (see 52b). Another enactment, also a stipulation of the marriage contract, is that the father is obligated to sustain his daughters. Although the commentaries explain that these two decrees were not enacted at the same time, Rabbi Elazar ben Azarya nevertheless interpreted them as connected (Ritva).

NOTES

A mitzva to sustain daughters, etc. – מִצְוָה לָזוּן אֶת הַבָּנוֹת וכו׳: The later authorities debate whether there is any practical difference between the opinions of Rabbi Meir and Rabbi Yehuda, both of whom apparently affirm that it is a mitzva to sustain sons and daughters. Some write that the difference concerns a case when there is enough to provide sustenance only for a son or a daughter, as the *tanna'im* dispute which of them takes precedence (Rabbi Akiva Eiger). Others contend that Rabbi Meir's stated reason why it is an *a fortiori* inference that there is a mitzva to sustain the sons, that the sons occupy themselves with Torah study, indicates that the two Sages disagree in a case when the sons are not occupied with studying Torah (*Ḥatam Sofer*).

גמ׳ בִּמְזוֹנוֹת בִּתּוֹ – הוּא דְּאֵינוֹ חַיָּיב, הָא בִּמְזוֹנוֹת בְּנוֹ – חַיָּיב. בִּתּוֹ נַמִּי, חוֹבָה הוּא דִּלֵּיכָּא, הָא מִצְוָה – אִיכָּא, מַנִּי מַתְנִיתִין? לָא רַבִּי מֵאִיר, לָא רַבִּי יְהוּדָה, וְלָא רַבִּי יוֹחָנָן בֶּן בְּרוֹקָא.

GEMARA With regard to the mishna's statement that a father is not obligated to provide his daughter's sustenance, the Gemara infers: **It is with regard to** providing **his daughter's sustenance that he is not obligated, but with regard to** providing **his son's sustenance, he is obligated.** Furthermore, with regard to **his daughter, too, there is no obligation,** and therefore the court cannot compel him to provide sustenance for his daughter, **but there is a mitzva,** i.e., it is proper, for him to do so. With this interpretation in mind, **whose** opinion is expressed in **the mishna?** It is **not Rabbi Meir, nor Rabbi Yehuda, nor Rabbi Yoḥanan ben Beroka.**

דְּתַנְיָא: מִצְוָה לָזוּן אֶת הַבָּנוֹת, קַל וָחוֹמֶר לַבָּנִים, דְּעָסְקֵי בְּתוֹרָה, דִּבְרֵי רַבִּי מֵאִיר. רַבִּי יְהוּדָה אוֹמֵר: מִצְוָה לָזוּן אֶת הַבָּנִים, וְקַל וָחוֹמֶר לַבָּנוֹת, מִשּׁוּם זִילּוּתָא. רַבִּי יוֹחָנָן בֶּן בְּרוֹקָא אוֹמֵר: חוֹבָה לָזוּן אֶת הַבָּנוֹת לְאַחַר מִיתַת אֲבִיהֶן, אֲבָל בְּחַיֵּי אֲבִיהֶן – אֵלּוּ וְאֵלּוּ אֵינָן נִיזּוֹנִין.

As it is taught in a *baraita,* it is **a mitzva to sustain daughters,**[N] and the same applies by **an *a fortiori*** inference **to sons, who are engaged in** the study of **Torah.** This is **the statement of Rabbi Meir. Rabbi Yehuda says:** It is **a mitzva to sustain sons,** and the same applies by **an *a fortiori*** inference **with regard to daughters, due to** the **dishonor** they will suffer if they are forced to go around begging. **Rabbi Yoḥanan ben Beroka says:** It is **an obligation to sustain the daughters after their father's death; however, during their father's lifetime** both **these and those,** sons and daughters alike, **are not sustained.**

מַנִּי מַתְנִיתִין? אִי רַבִּי מֵאִיר – הָא אָמַר בָּנִים מִצְוָה, אִי רַבִּי יְהוּדָה – הָא אָמַר בָּנִים נַמִּי מִצְוָה, אִי רַבִּי יוֹחָנָן בֶּן בְּרוֹקָא – אֲפִילּוּ מִצְוָה נַמִּי לֵיכָּא!

The Gemara restates its question: **Whose** opinion is expressed in **the mishna? If** you say it is **Rabbi Meir, didn't he say** that providing sustenance even to one's **sons** is merely **a mitzva,** not an obligation? **If** the mishna expresses the opinion of **Rabbi Yehuda, didn't he say** that providing sustenance to one's **sons** is **also a mitzva,** not an obligation? **If** it is **Rabbi Yoḥanan ben Beroka,** according to his opinion **there is not even a mitzva** to provide sustenance for one's daughters. Consequently, none of opinions of the *tanna'im* of the *baraita* fits the ruling of the mishna.

אִיבָּעֵית אֵימָא רַבִּי מֵאִיר, אִיבָּעֵית אֵימָא רַבִּי יְהוּדָה, אִיבָּעֵית אֵימָא רַבִּי יוֹחָנָן בֶּן בְּרוֹקָא.

The Gemara answers that the mishna can be explained in several different ways. **If you wish, say** that the mishna is in accordance with the opinion of **Rabbi Meir; if you wish, say** that it follows the opinion of **Rabbi Yehuda;** and **if you wish, say** it is the opinion of **Rabbi Yoḥanan ben Beroka.**

אִיבָּעֵית אֵימָא רַבִּי מֵאִיר, וְהָכִי קָאָמַר: הָאָב אֵינוֹ חַיָּיב בִּמְזוֹנוֹת בִּתּוֹ, וְהוּא הַדִּין לִבְנוֹ. הָא מִצְוָה בִּבְתּוֹ – אִיכָּא, קַל וָחוֹמֶר לַבָּנִים. וְהַאי דְּקָתָנֵי בִּתּוֹ – הָא קָא מַשְׁמַע לָן:

The Gemara explains in detail: **If you wish, say** it is **Rabbi Meir, and this is what he said** in the mishna: **A father is not obligated to** provide **his daughter's sustenance, and the same is true with regard to** providing sustenance for **his son.** This indicates that **there is a mitzva,** though not an obligation, to provide for **his daughter,** and by **an *a fortiori*** inference it is a mitzva with regard **to the sons. And** the reason **that** the mishna **teaches** only the case of **his daughter,** and omitted any mention of sons, is not because a father is obligated to feed his sons. Instead, it **teaches us this:**

Perek **IV**
Daf **49** Amud **b**

דַּאֲפִילּוּ בִּתּוֹ, חוֹבָה הוּא – דְּלֵיכָּא, הָא מִצְוָה – אִיכָּא.

That even with regard to **his daughter, there is no obligation** to provide her sustenance, however, **there is a mitzva** to do so.

וְאִיבָּעֵית אֵימָא רַבִּי יְהוּדָה, וְהָכִי קָאָמַר: הָאָב אֵינוֹ חַיָּיב בִּמְזוֹנוֹת בִּתּוֹ, וְכָל שֶׁכֵּן לִבְנוֹ. הָא מִצְוָה בִּבְנוֹ – אִיכָּא, וְקַל וָחוֹמֶר לַבָּנוֹת. וְהָא דְּקָתָנֵי בִּתּוֹ – הָא קָא מַשְׁמַע לָן: דַּאֲפִילּוּ בִּתּוֹ חוֹבָה לֵיכָּא.

And if you wish, say that the mishna is in accordance with the opinion of **Rabbi Yehuda, and this what he said** in the mishna: **A father is not obligated** to provide **sustenance for his daughter, and all the more so** he is not duty-bound to provide **for his son.** It may be inferred from here that **there is** at least **a mitzva with regard to a son, and** the same applies by ***a fortiori*** inference with regard **to the daughters. And** the reason **that** the mishna **teaches** the case of **his daughter** is because it **teaches us this: That even** with regard to **his daughter** there is **no obligation,** despite the mitzva to guard her from dishonor.

וְאִיבָּעֵית אֵימָא רַבִּי יוֹחָנָן בֶּן בְּרוֹקָא, וְהָכִי קָאָמַר: אֵינוֹ חַיָּיב בִּמְזוֹנוֹת בִּתּוֹ, וְהוּא הַדִּין לִבְנוֹ. וְהוּא הַדִּין דְּאַפִּילּוּ מִצְוָה נַמִּי לֵיכָּא, וְאַיְידֵי דְּבָנוֹת לְאַחַר מִיתַת אֲבִיהֶן חוֹבָה – תָּנָא נַמִּי אֵינוֹ חַיָּיב.

And if you wish, say that the mishna is in accordance with the opinion of **Rabbi Yoḥanan ben Beroka, and this is what he said** in the mishna: A father is **not obligated** to provide **sustenance for his daughter, and the same is true** with regard to providing **for his son. And the same is true** with regard to a mitzva; there is **not even a mitzva** to feed either one's sons or daughters, **but since** the *tanna* wanted to say with regard to **daughters** that **after their father's death** there is **an obligation** to sustain them from his estate, he **also taught** in a parallel manner that the father **is not obligated** to provide sustenance for his daughters during his lifetime. Consequently, it is incorrect to infer from here that there is a mitzva to sustain them despite the lack of obligation; rather, the *tanna* means that there is no obligation and not even a mitzva to do so.

§ אָמַר רַבִּי אוֹשַׁעְיָא אָמַר רֵישׁ לָקִישׁ מִשּׁוּם רַבִּי יְהוּדָה בַּר חֲנִינָא: בְּאוּשָׁא הִתְקִינוּ שֶׁיְּהֵא אָדָם זָן אֶת בָּנָיו וְאֶת בְּנוֹתָיו כְּשֶׁהֵן קְטַנִּים. אִיבַּעְיָא לְהוּ: הִלְכְתָא כְּוָותֵיהּ אוֹ אֵין הִלְכְתָא כְּוָותֵיהּ? תָּא שְׁמַע: כִּי הֲווֹ אָתוּ לְקַמֵּיהּ דְּרַב יְהוּדָה, אָמַר לְהוּ: יָארוֹד יָלְדָה וְאַבְנֵי מָתָא שַׁדְיָא?!

Rabbi Ile'a said that **Reish Lakish said in the name of Rabbi Yehuda bar Ḥanina: In Usha** the Sages **instituted that a man should sustain his sons and daughters when they are minors. A dilemma was raised before** the Sages: Is **the *halakha* in accordance with his** opinion **or is the *halakha* not in accordance with his** opinion? Must a man feed his young children in practice or not? The Gemara answers: **Come** and **hear: When they would come before Rav Yehuda** to complain about a father who refused to sustain his children, **he** would **say to them: The jackal** [***yarod***][L] **bears** offspring[N] **and casts** the obligation to feed **them on the residents of the town?** Even a jackal feeds its young, and it is certainly proper for a father to support his children.

כִּי הֲווֹ אָתוּ לְקַמֵּיהּ דְּרַב חִסְדָּא, אָמַר לְהוּ: כְּפוּ לֵיהּ אָסְיְתָא בְּצִבּוּרָא, וְלֵיקוּם וְלֵימָא: עוּרְבָא בָּעֵי בְּנֵיהּ, וְהַהוּא גַּבְרָא לָא בָּעֵי בְּנֵיהּ. וְעוּרְבָא בָּעֵי בְּנֵיהּ? וְהָכְתִיב "לִבְנֵי עוֹרֵב אֲשֶׁר יִקְרָאוּ"! לָא קַשְׁיָא, הָא – בְּחִיוָּרֵי, הָא – בְּאוּכְמֵי.

When they would come before Rav Ḥisda to register a similar complaint, **he** would **say to them: Turn over a mortar for him**[N] **in public,** as a raised platform, **and let** that father **stand up and say** about himself: **The raven wants** to care for **its sons, and** yet **this man does not want** to support **his sons.** The Gemara questions this statement: **And** does **the raven want** to feed **its sons? But isn't it written:** "He gives to the beast its food, **to the young ravens that cry**" (Psalms 147:9)? This verse indicates that the parents of young ravens do not feed them. The Gemara responds: This is **not difficult,** as in **this** case it is referring **to white ones,** and in **that** case it is referring **to black ones.**[N] There are different types of ravens, some of which feed their young while others do not.

כִּי הֲווֹ אָתֵי לְקַמֵּיהּ דְּרָבָא, אָמַר לֵיהּ: נִיחָא לָךְ דְּמִיתַּזְנֵי בָּנָיךְ מִצָּדָקָה?

The Gemara further relates: **When** an incident of this kind **would come before Rava, he** would **say to** the father: Is it **satisfactory to you that your sons are sustained through charity?** All these incidents prove that the *halakha* is not in accordance with the enactment of Usha; although these Sages stated forcefully that it is proper for a father to support his children, they did not force him to do so by the authority of the court.

וְלָא אֲמַרַן אֶלָּא דְּלָא אֲמִיד, אֲבָל אֲמִיד – כָּפֵינַן לֵיהּ עַל כָּרְחֵיהּ. כִּי הָא דְּרָבָא כָּפֵייהּ לְרַב נָתָן בַּר אַמֵּי וְאַפֵּיק מִינֵּיהּ אַרְבַּע מְאָה זוּזֵי לְצָדָקָה.

The Gemara adds: **And we said** this *halakha* **only when he is not wealthy** and must toil hard to provide food for his children, **but** if he is **wealthy we coerce him against his will**[HN] to sustain them. **Like this** case **of Rava, who coerced Rav Natan bar Ami,** who was a wealthy man, to donate to charity, **and collected from him four hundred dinars for charity.**[H] This shows that even in the absence of a particular obligation, the court will compel a person to give charity if he can afford it. The same reasoning certainly applies to a man's own children.

HALAKHA

A father's obligation to sustain his children – חוֹבַת הָאָב לָזוּן בָּנָיו: A father is obligated to support his children until they are six years old. The Sages in Usha decreed that a father must support his children even beyond they age of six, until they have matured. If he does not want to support them the court reprimands him and shames him, and publicly declares that he is cruel and does not wish to feed his children, and he is worse than a ritually impure bird, which does feed its young. However, the court cannot compel him to do so, unless he has spare money for charity, in which case the court seizes his property and uses it to feed his children until they mature (Rambam *Sefer Nashim*, *Hilkhot Ishut* 12:14–15; *Shulḥan Arukh*, *Even HaEzer* 71:1).

If he is wealthy the court coerces him…for charity – אֲמִיד כָּפֵינַן לֵיהּ...לְצָדָקָה: All are obligated to give charity to the poor. If someone gives less than the appropriate sum according to his means, the court forces him and administers lashes for rebelliousness until he gives the amount they have deemed appropriate for him (Rambam *Sefer Zera'im*, *Hilkhot Mattenot Aniyyim* 7:10; *Shulḥan Arukh*, *Yoreh De'a* 248:1).

LANGUAGE

Jackal [*yarod*] – יָארוֹד: The word *yarod*, or *yaror*, according to the version of the *Arukh* and several other sources, is the Aramaic for the Hebrew *tanna* or *tannim*. Several interpretations are offered for this term in the Bible. Some claim it is the name of an animal, the common jackal, whereas others say it is a bird, identified as a nocturnal bird similar to the owl. Rashi occasionally identifies it as a four-legged animal, although elsewhere he says it is a bird. The common denominator between these two creatures is that they both cry out in the night. The *Tosefta* states that *yarodim* are a species of birds. However, it is possible that the term bears both meanings. In any case, the source of the proverb mentioned here with regard to the *yarod* is unclear.

NOTES

The jackal [*yarod*] bears offspring – יָארוֹד יָלְדָה: The commentaries disagree over the meaning of this term. Although the biblical word *tannin*, jackal, is translated as *yarod*, it is possible that *tannin* does not consistently refer to the same animal and can variously refer to a beast or a bird. Some claim that *yarod* is a type of bird that does not feed its young (Rid). However, most commentaries maintain that it refers to the jackal, which is cruel to its young (Rashi). It is noted that according to this interpretation, Rav Yehuda accused the father of being crueler than the *yarod*, which does not neglect to feed its own young despite its cruelty (Ritva; see Rabbi Ovadya Bartenura on the mishna).

Turn over a mortar for him – כְּפוּ לֵיהּ אָסְיְתָא: Some commentaries omit the phrase: For him. This reading indicates that someone else would stand on a raised podium and declare this man cruel to his children. Most commentaries, however, maintain that the father himself was compelled to issue this statement and embarrass himself in public. It has even been suggested that one aim of this exercise was to find someone willing to take care of the children in lieu of their father. Some commentaries explain that Rav Yehuda said to overturn a mortar as a curse, i.e., to signify that the father's livelihood should be overturned and diminished (Ritva). Others add that turning over a mortar alludes to the fact that this man has overturned the natural order, as even cruel animals feed their own children (Maharal).

In this case it is referring to white ones and in that case to black ones – הָא בְּחִיוָּרֵי הָא בְּאוּכְמֵי: Rashi explains that this statement refers to different stages of development of a raven. Initially the young raven is white, and its parents do not have pity on their young, but afterward they turn black, at which point their parents do care for them. Support for his interpretation can be found in *Eikha Rabba* (see also *Arukh*). Others maintain that the Gemara is speaking of two different species of raven, black ones and white ones (*Tosafot*; *Likkutei Ge'onim*).

We coerce him against his will – כָּפֵינַן לֵיהּ עַל כָּרְחֵיהּ: The precise manner in which the father is coerced is not specified by the Gemara. Consequently, many commentaries explain that the court forces him verbally, by reproving and shaming him in public, but it does not actually extract the money from him (Rav Hai Gaon). Others maintain that, if necessary, the court compels him by confiscating his property and using it as needed (see Rambam's Commentary on the Mishna).

אָמַר רַבִּי אִילְעָא אָמַר רֵישׁ לָקִישׁ: בְּאוּשָׁא הִתְקִינוּ: הַכּוֹתֵב כָּל נְכָסָיו לִבָּנָיו – הוּא וְאִשְׁתּוֹ נִזּוֹנִים מֵהֶם.

§ **Rabbi Ile'a said** that **Reish Lakish said: In Usha** the Sages **instituted** that in a case of **one who writes** a document stating that he is giving **all his property**[N] as a gift **to his sons** in his lifetime, **he and his wife are sustained from** the property until their deaths.

מַתְקִיף לָהּ רַבִּי זֵירָא וְאִיתֵּימָא רַבִּי שְׁמוּאֵל בַּר נַחְמָנִי: גְּדוֹלָה מִזּוֹ אָמְרוּ: אַלְמָנָתוֹ נִזּוֹנֶת מִנְּכָסָיו, הוּא וְאִשְׁתּוֹ מִיבָּעְיָא?!

Rabbi Zeira objects to this, and some say this objection was raised by **Rabbi Shmuel bar Naḥmani:** What is the significance of this ruling? After all, the Sages **said a greater** novelty **than that:** A man's **widow is sustained from his property** even if his estate was inherited by his daughter and therefore belongs to her husband. Although the property is comparable to property from the estate that was sold to a third party, from which a widow is not entitled to claim her sustenance, in this case the Sages decreed that she can claim her livelihood from her late husband's estate to prevent her from losing out entirely. With this in mind, **is** it **necessary** to state that **he and his wife,** during his lifetime, receive their sustenance from property he gave as a gift to his sons?

דְּשָׁלַח רָבִין בְּאִיגַּרְתֵּיהּ: מִי שֶׁמֵּת וְהִנִּיחַ אַלְמָנָה וּבַת – אַלְמָנָתוֹ נִיזּוֹנֶת מִנְּכָסָיו, נִישֵּׂאת הַבַּת – אַלְמָנָתוֹ נִיזּוֹנֶת מִנְּכָסָיו,

The Gemara provides the background for this ruling: **As Ravin sent in his letter** to Babylonia: With regard to **one who died and left a widow and a daughter,**[H] **his widow is sustained from his property,** as this is a stipulation of the marriage contract. If **the daughter,** who is her father's heir, **married,** the estate is considered usufruct property whose produce belongs to her husband, but even so **his widow is sustained from his property.**

מֵתָה הַבַּת, אָמַר רַבִּי יְהוּדָה בֶּן אֲחוֹתוֹ שֶׁל רַבִּי יוֹסֵי בַּר חֲנִינָא: עַל יָדִי הָיָה מַעֲשֶׂה, וְאָמְרוּ: אַלְמָנָתוֹ נִיזּוֹנֶת מִנְּכָסָיו – הוּא וְאִשְׁתּוֹ מִיבָּעְיָא?!

If **the daughter died** and her husband inherited from her, **Rabbi Yehuda, son of the sister of Rabbi Yosei bar Ḥanina, said: I was involved in an incident** of this kind when this very question came before the Sages for a ruling, **and they said:** Even in this case, **his widow is sustained from his property.** The Gemara reiterates: With all that said, **is** it **necessary** to state that **he and his wife** are entitled to receive their sustenance from property he gave his son?

מַהוּ דְּתֵימָא: הָתָם הוּא דְּלֵיכָּא דְּטָרַח, אֲבָל הָכָא – נְטָרַח לְדִידֵיהּ וּלְדִידָהּ, קָא מַשְׁמַע לָן.

The Gemara responds: The ordinance is necessary **lest you say** that **it is** in that case **there,** with regard to a widow, that they instituted this *halakha*, **as there is no one to toil** on her behalf, since she is by herself, **but here,** where the husband is alive, **he can toil for himself and for her,** i.e., his wife. The ordinance of Usha therefore **teaches us** that the court does not force him to do so, and they may claim their sustenance from his former property.

אִיבַּעְיָא לְהוּ: הִלְכְתָא כְּוָותֵיהּ אוֹ לֵית הִלְכְתָא כְּוָותֵיהּ? תָּא שְׁמַע, דְּרַבִּי חֲנִינָא וְרַבִּי יוֹנָתָן הֲווּ קָיְימֵי, אֲתָא הַהוּא גַּבְרָא, גָּחִין וְנַשְׁקֵיהּ לְרַבִּי יוֹנָתָן אַכַּרְעֵיהּ. אֲמַר לֵיהּ רַבִּי חֲנִינָא: מַאי הַאי? אָמַר לֵיהּ: כּוֹתֵב נְכָסָיו לִבָּנָיו הוּא,

A dilemma was raised before the scholars: Is **the *halakha* in accordance with** the opinion of Rabbi Ile'a, **or is the *halakha* not in accordance with his** opinion? The Gemara answers: **Come** and **hear, as Rabbi Ḥanina and Rabbi Yonatan were standing** together, and **a certain man approached, bent over, and kissed Rabbi Yonatan on his foot. Rabbi Ḥanina said to** Rabbi Yonatan: **What is this?** Why does he owe you such a mark of gratitude? **He said to him: He wrote** a document stating that he was giving **his property to his sons,**

NOTES

One who writes that he is giving all his property, etc. – הַכּוֹתֵב כָּל נְכָסָיו וכו׳: The early authorities state that this ordinance is based on his assumed intention, as it is unlikely that one would give his sons everything and thereby be forced to go begging.

HALAKHA

A widow and a daughter – אַלְמָנָה וּבַת: With regard to a man who died and left a widow and a daughter, whether from that wife or from another woman, if his estate is not large enough to sustain both of them, his widow gets precedence. Even if the daughter married, thereby granting her husband rights to her father's estate, the widow may continue to collect her sustenance from the estate. Furthermore, even if the daughter died and her husband inherited her property, the widow still receives her sustenance from the property, as indicated by the story related in the Gemara (Rambam *Sefer Nashim*, *Hilkhot Ishut* 19:21; *Shulḥan Arukh*, *Even HaEzer* 93:4).