



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Gittin Daf Lamed Hey

NIMNI'U MILIHASHBI'AH

- **Q:** Why did they stop allowing the widow to swear? It can't be based on the concern of **R' Kahana**, who told the story of a widow who was asked to watch a golden dinar and hid it in her flour for safekeeping. She mistakenly used the flour and baked the dinar into a loaf of bread and gave the loaf to a poor person. When the owner asked her for the dinar and she couldn't find it, she swore on the life of her children that she had not benefitted at all from the dinar. A short time later her child died. When the **Rabanan** realized what had taken place they said, if someone who swears honestly can be punished so harshly, then certainly someone who swears falsely will be punished. Although she believed that she swore truthfully, in fact, the space of the coin allowed her to use less flour for the loaf, and in that way she did benefit, and that is why she was punished by her own swearing. Still, since we see how harshly she was punished when she did not knowingly swear falsely, that may be the reason that the **Rabanan** stopped allowing a widow to swear. However, that can't be the reason, because based on that reason a divorcee who is trying to collect her kesubah should also not be allowed to swear. Why did they only single out a widow? **A:** A widow is different because she takes care of the orphans, and she justifies swearing falsely to collect money based on the fact that she has "earned" this money by caring for the orphans.
- **R' Yehuda in the name of R' Yirmiya bar Abba** said, **Rav and Shmuel** both say that the takanah only stopped a widow from swearing in Beis Din, but she may still swear to the orphans outside of Beis Din (where the swearing will only follow a D'Rabanan format, and will therefore not carry the severity of a swearing done in Beis Din).
  - **Q:** We find that **Rav** would never allow a widow to collect her kesubah from orphans at all!? **A: KASHYEH.**
  - In Sura, they taught the above version of **R' Yehuda**. In Nahrda'ah they said that **R' Yehuda in the name of Shmuel** said, that she may swear outside of Beis Din, but **Rav** argued and said that she may not even swear outside of Beis Din. According to this, **Rav** follows his view in which he never allowed a widow to collect her kesubah from orphans.
    - **Q:** Why didn't **Rav** allow her to make a neder and collect her kesubah based on the neder (according to the takanah of **R' Gamliel**)? **A:** In **Rav's** times people treated nedarim very lightly, and therefore making a neder was not enough of a reliance to have her collect her kesubah based on it.
  - A widow once came to **R' Huna** to collect her kesubah from orphans. **R' Huna** told her, I can't help you, because **Rav** did not allow a widow to collect her kesubah from orphans. She said, **Rav** said that only because of the concern that I may have taken my kesubah already. However, I swear in Hashem's Name that I have not gotten anything. **R' Huna** said, even **Rav** agreed that although we do not allow her to swear, if the widow went and swore before we could stop her, we would then allow her to collect her kesubah from the orphans.
  - A widow once came to **Rabba bar R' Huna** to collect her kesubah from orphans. **Rabbah** told her, I can't help you, because **Rav** and my father (**R' Huna**) did not allow a widow to collect her kesubah from orphans. She said, if so, then allow me to be supported from the estate. He said, I cannot allow that either, because **R' Yehuda in the name of**

**Shmuel** said, once a woman demands payment of her kesubah in Beis Din, she loses her right to support. She said to him “His chair should be overturned (this was a curse that **Rabbah bar R’ Huna** should die) because he has taken the approach to be machmir against me from both sides!” The people there quickly turned over **Rabbah bar R’ Huna’s** chair, in the hopes of having her curse become nullified, by having the literal words being fulfilled. This saved him from death, but did not save him from becoming ill due to the curse.

- **R’ Yehuda** told **R’ Yirmiya Bira’ah**, if a widow comes to you to collect her kesubah from orphans, either make her take a neder in Beis Din or make her swear outside of Beis Din, and then she may collect her kesubah.
- **R’ Zeira in the name of Shmuel** said, only a widow may not swear, but a divorcee may swear and then collect her kesubah.
  - **Q:** This suggests that a divorcee may not collect based on a neder, only by swearing. However, we have learned that in EY they once allowed a divorcee to collect based on a neder!? **A: R’ Ashi** said, that woman was a yevama who received a get from her yavam (instead of yibum or chalitza, in which case she becomes assur to have yibum done). In fact, she was looking to collect from the estate of her husband and was a widow. She had the label of “divorcee” because of the get, but was not a true divorcee. That is why a neder was sufficient for her to collect.

HISKIN R’ GAMLIEL HAZAKEN SHETIHEI NODERES...

- **R’ Huna** said, we only let a widow make a neder and collect her kesubah if she has not remarried. However, if she has already remarried, she may not collect based on a neder.
  - **Q:** The reason she can’t collect based on a neder if she is married is because the neder is meaningless since her husband can be meifer the neder. If so, why can she collect based on a neder before she remarries? When she later does remarry the husband will be meifer then!? **A:** A husband cannot be meifer nedarim that were accepted prior to the marriage.
    - **Q:** We should be concerned that she will go to a chochom and be matir neder after making the neder!? **A: R’ Huna** holds that one must give the chochom the details of why the neder was accepted. When a chochom hears why she accepted the neder, he will not be matir it for her.
- **R’ Nachman** said, even if she already remarried, she may accept a neder and collect her kesubah.
  - **Q:** The husband will be meifer the neder!? **A:** We make her accept the neder in front of 10 people, in which case **R’ Nachman** holds that the husband cannot be meifer.
- **Q:** A Braisa says, if the widow remarried, she still collects her kesubah if she made a neder. Presumably this refers to her making a neder now, as a married woman. This refutes **R’ Huna**!? **A:** The Braisa is referring to where she made the neder before she remarried.
- **Q:** Another Braisa says, if she remarries, she makes a neder and collects her kesubah. This seems to clearly allow her to make the neder after she remarries!? **A:** There is a machlokes Tanna’im whether a neder that was made in front of 10 people is subject to hafarah. This Braisa follows the view that it is not subject to hafarah, and that is why she can collect on a neder made even after she remarries. **R’ Huna** holds that such a neder is subject to hafarah, and therefore she would not be allowed to collect based on that neder.
- **Q:** When someone goes to a chochom to be matir neder, does he have to detail the circumstances under which the neder was made or not? **A: R’ Nachman** says he does not, because if it was required, then the person may end up giving less than the complete story and the chochom will be matir based on incomplete information. **R’ Pappa** says that he does, because the chochom has to know if the neder was made to prevent the person from sinning.
  - **Q:** A Mishna says, if a Kohen is married to a woman who is assur to him (a divorcee, zonah, or chalalah), he is assur to do the Avodah until he makes a neder not to benefit from the woman. A Braisa says, he makes the neder, can then do the Avodah and must

then divorce her. Now, if one does not need to explain the circumstances of when the neder was made, why are we not concerned that the Kohen will make the neder, but will then go to a chochom and be matir neder? **A:** We make him swear in front of 10 people.

- **Q:** What about the view that even such a neder can be annulled as well? **A:** We have the Kohen make the neder “ahl daas rabim” (based on the understanding of the people), in which case all agree that the neder cannot be annulled without the presence of all those people there.
  - Such a neder may only not be annulled for a discretionary purpose. However, if it is preventing someone from doing a mitzvah, even such a vow may be annulled.