

## OVERVIEW of the Daf

### 1) The restriction against a betrothed woman's eating teruma (cont.)

The practical difference between the explanation of Ulla and that of R' Shmuel bar Yehudah why an ארוסה does not eat teruma is explained.

### 2) The dispute concerning the amount of teruma a kohen may give his ארוסה

Abaye suggests a number of qualifications to the dispute in the Mishnah concerning the amount of teruma a kohen may give his ארוסה.

A Baraisa that cites five opinions echoes these qualifications.

The difference's among some of these opinions are identified.

### 3) Clarifying the Mishnah

The reason a yavam does not give teruma to his yevama is explained.

The progression of the cases in the Mishnah is explained.

### 4) The later teaching that a woman does not eat teruma until chupah

The reason for the latter ruling that a woman does not eat terumah until chupah is explained.

This explanation is understood according to Ulla's explanation but it is difficult according to R' Shmuel Bar Yehudah's explanation.

The progression of the two enactments is explained.

### 5) MISHNAH: The Mishnah presents a dispute concerning a man who sanctifies his wife's salary.

### 6) A married woman's wages

R' Huna in the name of Rav rules that a woman may say to her husband that she will not take support from him so that she can keep her wages.

The rationale behind this ruling is explained.

This ruling is unsuccessfully challenged.

A proof to this ruling is suggested but rejected.

R' Huna's ruling is at odds with the way Reish Lakish understood R' Meir's position.

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## Distinctive INSIGHT

### From which tasks may a wife excuse herself?

אמר רב יהודה אמר רב: יכולה אשה לומר לבעלה איני ניוזנית ואיני עושה

The Gemara cites the opinion of Rebbe Yehuda in the name of Rav that a wife can tell her husband that she wishes not to be supported by him, and that any income she generates will therefore not be turned over to the husband.

Rashi explains that the woman is thereby informing her husband that she will work only for herself, and that she will support herself.

The Rishonim discuss whether, in a case where a woman makes such a statement, the woman is exempting herself from submitting the wages she earns from labor outside the house only, or whether she can also excuse herself from all labors which a wife must perform in the house, as well. For example, the Mishnah (59b) lists the tasks a wife is expected to perform in the house. These include grinding, baking, laundry, cooking and nursing the children. Tosafos (63a, ד"ה רב) concludes that, in fact, a woman who has a job to support herself can arrange to exempt herself from even these activities. ר"ן, however, holds that a wife cannot dismiss herself from the responsibility to perform the daily functions which are considered personal tasks done for her husband. She may, however, exempt herself from sewing and weaving, which are tasks which are done by the wife more as a cost-saving measure, in order to save the husband the expense of hiring others.

Tosafos on 59b (ד"ה תני) explains that working with the wool (sewing and weaving) are the only labors from which a woman may excuse herself when she supports herself. ■

## REVIEW and Remember

1. How does Abaye explain the dispute in the Mishnah between R' Tarfon and R' Akiva?
2. Why is a yavam not permitted to give his yevamah teruma?
3. What allow a woman to refuse to give her wages to her husband?
4. How do we know, according to R' Meir that one may consecrate something that does not yet exist?

# HALACHAH Highlight

## *The wages of a woman who is in business for herself*

יכולה אשה לומר לבעלה איני ניזונת ואיני עושה

*A woman can say to her husband: I will not be supported by you and I will not work [and have you take my wages.]*

Rav Yosef Tarani<sup>1</sup>, the Maharit expressed uncertainty how to apply the halacha discussed in our Gemara, namely that a woman's wages go to her husband, to women who are in business for themselves and are therefore independently wealthy. One could argue that her husband should have no claim to her wealth since she earned it herself. Furthermore, if he does not contribute at all to the finances of the home and it is her money that runs the house and provides food, clothing and shelter for the family, why should he have a claim on her money? Therefore, it seems justified that even though she never formally made the declaration that she does not want his sustenance and she will not work for him (איני ניזונת ואיני עושה) the husband will not have a right to her wages for the simple reason that if he is not contributing to her sustenance why should he collect her salary? Maharit proceeded to cite the opinion of Ran who indicates that any time the husband is not providing sustenance for his wife she keeps her wages for herself and it does not seem that he distinguishes between a case where the husband does not want to provide her with sustenance or whether it is a case where she does not need the

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Reish Lakish's explanation is unsuccessfully challenged.

### 7) A married woman's excess wages

The Gemara inquires, according to R' Meir who maintains that a woman's excess wages become sanctified, when the woman's wages become sanctified.

Rav and Shmuel maintain that the excess wages become sanctified at the time of the woman's death whereas according to R' Ada bar Ahava her wages become sanctified while she is still alive.

The Gemara clarifies the exact case where this disagreement will apply. ■

sustenance since she works for herself.

Rav Yosef Chaim of Baghdad<sup>2</sup>, the Ben Ish Chai, was asked a similar question. An independently wealthy business woman purchased a home and in the contract it stated that she purchased the home with funds that she earned from her business. The question arose whether the husband had any claim to ownership of the house based on the principle that what a woman acquires becomes her husband's (מה שקנתה) (אשה קנה בעלה). Ben Ish Chai responded along the line of thinking of Maharit that since this woman financially supports her home it is as if she declared, I do not need your sustenance and I will not work for you and her husband has no claim of ownership of this home. ■

1. שו"ת מהרי"ט ח"ב חו"מ סי' ס"ז.

2. שו"ת רב פעלים אה"ע ח"ב סי' ט"ו. ■

# STORIES Off the Daf

## *Women's Rights*

"אמר רב יכולה אשה לומר לבעלה איני ניזונת ואיני עושה..."

Even when Rav Avraham of Sochotchov, ז"ל, was a young boy he would learn with great diligence and dedication. His father, a great scholar in his own right, would always encourage him to learn. His way of encouraging him was to arouse in him a great love of the Torah so the boy would want to learn. One of the ways he did so was to ask difficult questions to the young prodigy. If he didn't know the answer, the boy would work at the question until he found an answer.

Once, when the two were learning,

the father asked, "In Shemos (35:25) the verse says that every woman who was a חכמת לב, who had intuitive wisdom, spun with her hands and brought spun wool. So how could the women bring the spun wool to the Mishkan? As you must surely remember, the rule is that what a woman acquires or produces is the property of her husband?"

The child responded immediately, "That is only a Rabbinic enactment when the husband is supporting her so that he should not resent her. But in the desert there was no need for the husbands to support their wives, since everyone was sustained by the מן from heaven. The husbands did not support their wives, and the general rule is that in such a situation, the principle that what a wife owns belongs to her hus-

band does not apply!"

One Rav commented on our Gemara, "Some say the Torah is not progressive. But this is an old claim. I am sure that when all of antiquity believed that a wife was no more than her husband's property, they must have felt that the Torah was not in keeping with the most obvious facts of life. I can just see a detractor in antiquity bringing a proof that the Torah doesn't make sense from this very law. "How can you say that a married woman has a right to her own property when her husband doesn't support her! Why should her submission to his authority be dependent on his financial support of her?!" What is radical now might not have been radical then, and what was radical then is considered a matter of course now." ■