



## OVERVIEW of the Daf

### 1) The benefit of gratitude (cont.)

The Gemara rejects the assertion that Rebbi and R' Yosi the son of R' Yehudah dispute the issue of whether the benefit of gratitude is equivalent to money.

Two alternative explanations to the dispute are offered.

Rava suggests another resolution to the contradiction between the inference of the two rulings in the Mishnah.

**2) MISHNAH:** The Mishnah begins with a ruling that if a woman took a vow not to benefit others her husband may not revoke that vow. If, however she vowed against working for her husband there is a dispute whether the vow should be revoked.

### 3) Ruling on the dispute in the Mishnah

Shmuel ruled like the opinion of R' Yochanan ben Nuri who said the husband should revoke the vow.

This implies that Shmuel accepts the premise that one can prohibit something that is not yet in existence. This is contradicted by another ruling of Shmuel related to another Mishnah.

One possible resolution to the contradictory rulings of Shmuel is rejected.

R' Yosef offers another resolution to the contradiction

*(Continued on page 2)*

## REVIEW and Remember

1. What are the two ways to explain the dispute between Rebbi and R' Yosi the son of R' Yehudah?
2. Is it possible for a married woman to prohibit her work to her husband?
3. How does the Gemara demonstrate that Shmuel holds that one could sanctify something that is not in existence?
4. According to R' Huna the son of R' Yehoshua, how does a woman prohibit her work to her husband?

## Distinctive INSIGHT

### *The extra wages which the woman earns*

רבי עקיבא אומר יפר שמא תעדיף עליו יותר מן הראוי לו

The Mishnah teaches that if a wife declares a vow that the wages she earns will be prohibited to her husband, there is no need for the husband to nullify her vow. She is obligated to give her income to her husband in consideration of his supporting her, so she is not in a position to prohibit these funds from him. Rabbi Akiva disagrees and holds that the husband should nullify this vow. Although the husband is entitled to the wages of his wife, this is true only to a certain basic extent. If the woman earns a much higher amount of money than an amount which corresponds to the support she is provided, the husband is not entitled to this added sum. The woman's vow could apply to this extra amount and cause it to be prohibited to the husband. This is precisely why Rabbi Akiva recommends that the husband nullify the vow outright.

The Gemara in Kesuvos (66a) explains that the dispute between Rabbi Akiva and the Chachamim is only in regards to this extra amount of the wife's earnings (העדפה) which she collects due to added exertion and by pushing herself to work harder than normal. However, "extra" money which the woman earns in the course of a regular schedule of work belongs to the husband even according to Rabbi Akiva. Tosafos (Kesuvos 59a, ד"ה רבי) notes that Rabbi Akiva's suggestion that the husband nullify the vow of the wife needs to be clarified. After all, a husband can only nullify an oath if it is either one of עינוי נפש or a matter that is בינו לבניה. The wife's added wages do not seem to fit in either of these categories. Tosafos answers that, in fact, this extra monetary amount which the wife earns is included in the realm of "matters that are between the husband and wife." It is impossible for the husband to only collect the exact amount of the wife's wages which are fairly due in exchange for the support which he provides. Therefore, if he would take more than is due, he would be collecting funds which are not his, unless the wife foregoes her rights.

Ritva (Kiddushin 63a) also deals with this issue, and he explains that the extra money the wife earns is considered "a matter between them" because the woman would use these funds to buy cosmetics. Her declaring that the husband not benefit from these funds therefore affects her physical appearance, which, according to Rabbi Yosef, falls under the category of דברים שבינו לבניה. ■

# HALACHAH Highlight

## Vowing against using the services of a particular barber

אלא ייאסור דבר שלא בא לעולם על חבירו שהרי אין אדם אסור פירות חבירו על חבירו

*But is it possible for a person to prohibit something to his friends that did not yet come into existence when it is not possible to prohibit his friend's fruit on his friend.*

There was once a fellow, Reuven, who after a couple of bad experiences with a barber trimming his beard declared, "You will never cut my beard again because it is konam for you to touch the beard." Reuven followed through with his declaration and from that moment on made use of the services of another barber who trimmed his beard according to his preferences. At some point the second barber left town and the only barber that remained was the first one leaving Reuven in a quandary. He could not have the vow annulled because he did not regret the vow but he doesn't have anyone to trim his beard for him and was beginning to look unkempt.

The question was presented to the B'tzeil Hachochmah<sup>1</sup> and he suggested that the vow never took hold in the first place. The beard hair that Reuven declared konam to the first barber did not yet exist at the time Reuven made his vow since it had yet to grow and

between the two rulings of Shmuel.

Abaye rejects this resolution.

R' Huna the son of R' Yehoshua offers another resolution to Shmuel's contradictory rulings.

The Gemara presents some a number of challenges to this resolution. ■

generate a need for his beard to be trimmed. Accordingly the vow should not be able to take effect since the Poskim rule, based on our Gemara, that a person cannot declare something a konam to his friend if that object does not yet exist.

Rav Pinchas Epstein<sup>2</sup>, however, argued that the vow did not address Reuven's hair; rather the vow was that the barber should not shave Reuven's face. If that was how the vow was directed the vow would be ongoing since his face is certainly something that was in existence at the time of the vow. B'tzeil Hachochmah<sup>3</sup> defended his position and responded that vows are defined by the way people commonly use their words and no one refers to their face as their beard. Therefore, it is unreasonable to assert that Reuven intended to prohibit his face to the barber since that was not what he said. ■

1. שו"ת בצל החכמה ח"א סי' י"ב
2. הו"ד שם בהערות בסוף ח"א
3. שם בתשובות להערות בסוף ח"א ■

# STORIES Off the Daf

## Crime prevention

קנסוה רבנן לגנב כי היכי דלא ליגנב

On today's daf, Rabbi learns that the Rabanan sometimes fine a thief to discourage further theft.

On time, several store owners got fed up with the shoplifters who were making off with their wares. They decided to install cameras in strategic positions to catch the thieves in the act. But trying to locate the petty thieves afterward in order to recover the goods got to be trying. Also, it wasn't always so easy to get the items back from them! One day, one of the shopkeepers came up with a brilliant plan: he would

post enlarged pictures on the window of the store along with the names of the perpetrators. The embarrassment would likely discourage both past and future thieves from pilfering their stores.

A certain Israeli storekeeper heard about this group of storeowners in chutz la'aretz and thought their idea might work for him as well. He asked Rav Yitzchak Zilberstien, shlit"a, if it would be halachically permitted for him to post the picture of thieves with names on his store window as well. After all, this would deter potential thieves.

Rav Zilberstein replied, "The verse in Mishlei tells us not to embarrass a thief who steals because he is hungry. The Metzudas Dovid explains that one

who steals from hunger (even if his situation is not life-threatening) is virtually compelled by circumstances to do so. So first, you must give the names to your local beis din so they can check if the person who stole did it because of hunger or some other mitigating circumstance. If he did, you must fulfill the verse in Mishlei and refrain from embarrassing him.

He concluded, "However, there are some people who steal not out of real need but for the thrill. Such people are afraid of being embarrassed and caught. If the beis din finds that the person doesn't have any sort of mitigating circumstance beyond his inherent lack of respect for your property, by all means publicize the picture!" ■

