

## מציא<sup>1</sup> אמרה ליה נסתחפה שדהו<sup>2</sup> –

**She can say about him, his field was swept away**

### OVERVIEW

The גמרא queried what will be the ruling in a case where the time to marry arrived, but she is sick and cannot marry now; is the husband obligated to give her מזונות (because she claims נסתחפה שדהו), or not (since he claims, I am ready). תוספות explains why נסתחפה is a claim for her benefit and not for his.

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תוספות responds to an anticipated difficulty:

**ואינו יכול לטעון דאדרבה מזלה גרם<sup>3</sup> -**

**And the husband cannot claim; on the contrary, her bad 'luck' caused** her to lose the מזונות; the reason he cannot claim it, is -

**דכיון דלא מיפקדא אפריה ורביה לא מיענשא<sup>4</sup> כדאמרינן בהבא על יבמתו<sup>5</sup> (יבמות דף סד,ב) -**

**That since a woman is not commanded to observe the מצוה of פריה ורביה; she is not punished, as the גמרא states in יבמתו על הבא –**

תוספות offers an alternate answer:

**ועוד דהאשה היא שדה של הבעל<sup>6</sup> ואין הבעל שדה<sup>7</sup> שלה:**

**And furthermore the woman is the field of the husband, but the husband is not the woman's field.**

### SUMMARY

The loss (of not being able to marry) is attributed to the husband for it is his duty (not hers), and she is his property, not the reverse.

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<sup>1</sup> עמוד א' on גמרא (which should precede this תוספות), are referencing the תוספות, as well as the next לפיכך תוס' ד"ה לפיכך.

<sup>2</sup> See נסתחפה רש"י ד"ה נסתחפה (ע"א) that it is your bad 'luck', since that from today on, you are obligated to feed me.

<sup>3</sup> This would seem more logical, for she became sick; not him.

<sup>4</sup> Regarding the husband, since he is commanded on the מצוה of פריה ורביה, it is understood that he is being punished (for some misdeed) that his observance of this מצוה is being delayed (and [as an additional consequence] he has to pay for her מזונות); however regarding the wife, since she is not obligated in the מצוה of פריה ורביה, the fact that their having children is being delayed, is not considered a punishment for her.

<sup>5</sup> The גמרא there states that if a couple has no children, it is the husband who is being punished (for his lack of merit), but not the woman, since she is not obligated in פריה ורביה (it is not considered a punishment).

<sup>6</sup> In marriage the man acquired the woman (he is מקדש her), therefore she is considered his field, and if his field does not 'produce' it is his loss. However the man is not acquired by the woman, so we cannot say that if there is no produce, it is her loss. The 'field' does not lose when there are no crops; the owner loses. See 'Thinking it over' # 1.

<sup>7</sup> See 'Thinking it over' # 2.

### **THINKING IT OVER**

1. second answer is that the אשה is the שדה of the husband.<sup>8</sup> Nevertheless the אשה is (still considered) the owner of herself (she owns a שדה as well), so why is it (only) נסתחפה שדהו, it is (also) נסתחפה שדיה?<sup>9</sup>

2. In second answer, he adds ואין הבעל שדה שלה;<sup>10</sup> why was it necessary to add this phrase?<sup>11</sup>

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<sup>8</sup> See footnote # 6.

<sup>9</sup> See שיטה לראנ"ה.

<sup>10</sup> See footnote # 7..

<sup>11</sup> See (תוס' ד"ה לפיכך after מירא דכיא).