

15.10.7

75a (משנה ז') → 76b (לכלל הפר')

1. כל גדר וְכָל שְׁבַעַת אֶסֶר לְעֵזַת נָפֶשׁ אִישָׁהּ יְקִימוּ וְאִישָׁהּ יִפְרֹנוּ: במדבר פרק ל פסוק יד

- I משנה ז': setting up קיום or הפרה in advance
- a קיום set up in advance is meaningless
- b הפרה set up in advance:
- i ר"א – valid
- 1 *argument*: if he can repudiate already existent נדרים, he can certainly block נדרים from coming into existence
 - 2 *question*: does ר"א regard these vows as valid and then cancelled or never having an existence?
 - (a) *Split the difference*: if someone tethers his vow to hers, is the tethered vow valid?
 - (b) *Attempted answer #1*: language of ר"א in משנה – “how much more so vows that never were valid”
 - (i) *Rejection*: doesn't state אינן באים, rather לא באו (perhaps) meaning “they didn't yet become valid”
 - (c) *Attempted answer #2*: ברייתא recording argument advanced by ר"א:
 - (i) *Argument*: if he can be מפר his own vows in advance (declaration made at onset of year – above, כג), even though he can't be מפר his own נדרים once taken, ק"ו he can repudiate his wife's vows in advance
 - (ii) *Explication*: just as his vows never take hold, similarly his wife's never take hold
 - (iii) *Rejection*: perhaps each is understood independently on its own terms
 - (d) *Attempted answer #3*: ברייתא recording חכמים' counter:
 - (i) *Counterargument*: if a מקוה, which can make a טהור into טמא, cannot act as a preventive; a person who cannot make something טמא into טהור (e.g. if he swallowed a ring that was טמא and he went to the מקוה with it inside of him – it's still טמא); it should be the case that he cannot protect a טהור ring when he becomes טמא
 1. *implication*: from their response, we see that ר"א considers the vow as never having been valid – just as the putative מקוה-goer would never become טמא
 - (e) *challenge*: in the סיפא of that ברייתא, they use a different counter:
 - (i) *counterargument2*: according to ר"א's reasoning, we should be able to dip a vessel in a מקוה in advance to protect it from טומאה (which, of course, doesn't work)
 1. *implication*: ר"א must hold that the vow was valid and then cancelled
 - (f) *answer*: חכמים are unsure about the resolution of our question and challenge to either lemma:
 - (i) *Lemma1*: if the vow never takes hold, they challenge with the מקוה argument
 - (ii) *Lemma2*: if the vow does take hold, they challenge with the vessel argument
 - (g) *Attempted answer #4*: ר"א's response to the counter:
 - (i) *Response*: if uprooted plants can regain their “pure” state by being planted, certainly plants that were never uprooted are still inaccessible to טומאה (which is correct)
 1. *implication*: ר"א maintains that the vow was never valid
- ii חכמים – invalid
- 1 *counter*: v. 1 equates ההקמה::הפרה; if the גדר isn't yet accessible to קיום, it isn't available to הפרה either
 - (a) *note*: חכמים do accept the type of ק"ו proposed by ר"א
 - (i) *Proof*: their argument that a man may no longer sell his daughter into servitude once she is a נערה;
 1. *argument*: if her reaching that stage frees her from pre-existent servitude, certainly he can no longer sell her at that point
 - (ii) *distinction*: our case is unique, due to the גזירת הכתוב in v. 1