

15.11.6

86b (משנה ה') → 88a (לרבות את הסומא)

1. ואם ביום שמע אישה יגיא אותה והפר את נדרה אשר עליה ואת מבטא שפתיה אשר אסרה על נפשה וה' יסלח לה: במדבר ל, ט  
 2. ויספדו ויבכו ויצמו עד הערב על שאול ועל יהונתן בנו ועל עם ה' ועל בית ישראל כי נפלו בחרב: שמואל ב א, יב  
 3. כל נדר וכל שבעת אסר לענת נפש אישה יקימו ואישה יפרנו: במדבר ל, יז  
 4. או בכל אבן אשר ימות בה בלא ראות ויפל עליו וימת והוא לא אויב לו ולא מבקש רעתו: במדבר לה, כג  
 5. ואשר יבא את רעהו ביצר לחטב עצים ונדחה ידו בגרזן לכרת העץ ונשל הגרזל מן העץ ומצא את רעהו וימת הוא ינוס אל אחת הערים האלה וחי: דברים יט, ה  
 6. וזה דבר הרצח אשר ינוס שמה וחי אשר יכה את רעהו בבלי דעת והוא לא שגא לו מתמל שלשם: דברים יט, ד

## I משנה ה' errant rejection

- a if he rejected a ban which he misunderstood because he mistook
- the identity of the banner (wife/daughter)
  - the nature of the ban (קרבו/נזיר)
  - the object of the ban (grapes/figs)
- b his rejection is invalid and he must reject again
- implication*: the word אותה (v. 1) is a *sine qua non* and he must reject the proper person etc.
  - challenge*: regarding rending of clothes upon hearing about a death (v. 2) – a parallel case is valid
    - answer1*: if he was specifically told relative A died and tore and it was relative B, לא יצא
    - answer2*: if he learned of the proper identity within כדי דיבור, the rending is valid
      - support*: ריב"ל's exception to the rule of hearing that a sick relative had died, tearing in response and then learning that he died afterwards – לריב"ל stipulates that if he actually died תכ"ד of the rending – valid
    - Final ruling*: תכ"ד is considered simultaneous (and a valid time-frame for retraction) except for:
      - מגדף (cursing God)
      - עובד ע"ז (can't be taken back)
      - גירושין וקידושין – can't be retracted

## II משנה ו' partial הפרה, קיום, partial

- a if she bans specific grapes and figs
- if he confirms the ban on the figs – the entire ban is confirmed
  - if he rejects the ban on the figs – not a rejection at all until he rejects both
    - note*: follows ר"י's interpretation of v. 3
    - dissent*: ר"ע v. 3 juxtaposes הפרה: קיום; just as a partial confirmation is קיום, so with הפרה
    - 3<sup>rd</sup> opinion* (חכמים): in re both confirmation and rejection, whatever he responds to is affected alone
- b if she bans them separately (“I won’t taste these figs”, “I won’t taste these grapes”) –
- ruling*: understood as separate bans and confirmation and rejection work independently
  - authorship*: ר"ש who only requires multiple שבועות for קרבנות if he declares an independent שבועה to each claimant
    - note*: ר"ש of רבנן would see the 1<sup>st</sup> case in our משנה as separate נדרים as well

## III משנה ז' (יום שמעו) misunderstanding about his rights as a מפיר – cleared up after the statute of limitations has passed

- a if he knew that vows are valid but didn't know that he had the right to reject – he may still do so when he learns of his rights
- b if he knew that he has such rights but didn't know that that particular vow was valid
- ר"מ – can no longer reject
  - חכמים – may still reject
  - challenge*: ר"מ in the 1<sup>st</sup> clause doesn't accept partial awareness as meaningful, yet does so regarding negligent manslaughter and obligates a blind man (vv. 5-6) to be exiled
  - answer* (טרבא): both approaches (רבנן and ר"מ re: the blind man) are contextually interpreted:
    - ד' יהודה v. 5 indicates anyone who comes in to the forest – including a blind man – so בלא ראות exempts him (someone who normally sees but didn't see the victim this time)
    - ד' מ v. 6 indicates anyone who has full knowledge – excluding the blind – so בלא ראות must be including the blind (someone who never sees)