

15.11.8

89b(משנה יא) → 90b (תיובתא)

1. וְחָפְרָה הַלְבָנָה וּבוֹשָׁה הַחֲמָה כִּי מֶלֶךְ ה' צָבָאוֹת בָּהֶר צִיּוֹן וּבִירוּשָׁלַם וְנָגַד זְקִנָיו כְּבוֹד: יִשְׁעִיהוּ כִז, כג.
 2. מִפְּרַי מְחֻשְׁבוֹת עֲרוּמִים וְלֹא תִעָשֶׂינָה יְדֵיהֶם תּוֹשִׁיָה: אִיּוֹב ה, יב.
 3. אִישׁ כִּי יָדַר לָהּ אוֹ הִשָּׁבַע שֶׁבָּעָה לְאַסֵּר אֶסֶר עַל נַפְשׁוֹ לֹא יַחַל דְּבָרוֹ כָּכֵל הִיָּצֵא מִפִּי יַעֲשֶׂה: במדבר ל, ג.

- I **משנה יא**: rejecting a vow in which either the condition or the vow are “off-limits”
- a if she bans benefiting from an outsider if she prepares anything for her husband OR
 - b if she bans benefiting from her husband if she prepares anything for an outsider
 - c *ruling*: he may reject
 - d *dissent*: נתן ר' maintains that any נדר that hasn't yet become activated cannot be rejected; if, once activated, it isn't under the rubric of ענוי נפש or שבינו לבניה, דברים, he may not reject at all
 - i *Example1*: banning benefit from an outsider if she prepares something for her husband
 - ii *Example2*: banning relations with others if she has relations with her husband
 - iii *Story*: man banned benefit from anyone if he married before becoming a scholar;
 - 1 *Follow*: אחא בר רב הונא ר' tricked him into marrying (after he was unsuccessful at his studies)
 - 2 *Then*: אחא בר רב הונא ר' muddied his clothes (showing how dependent he is on others)
 - 3 *Purpose*: in order to generate חכם שאלת חכם to release נדר
 - 4 *Reason for sequence*: he maintained that the vow couldn't be released until it took effect
 - (a) *Note*: ר' נתן/חכמים understood that אחא בר רב הונא ר' held that the dispute between ר' נתן/חכמים is paralleled in re: שאלה:
 - (i) נתן ר' neither הפרה nor שאלה can be employed until the נדר takes effect
 - (ii) דבנן: both הפרה and שאלה may be employed before the נדר takes effect
 - 1. therefore: אחא בר רב הונא ר' was taking נתן ר' approach into account
 - (b) *dissent*: רב פפי understood as follows:
 - (i) נתן ר' הפרה cannot be employed until the נדר takes effect (v. 1 – with some wordplay)
 - (ii) דבנן: הפרה may be employed before the נדר takes effect (v. 2)
 - (iii) *Consensus*: שאלה may not be employed until after the נדר takes effect (v. 3)
 - 1. therefore: אחא בר רב הונא ר' was following consensus in his sequencing
 - 2. *analysis*:
 - a. *possible support*: ברייתא that if he takes a vow from X and from whichever חכם releases him from that vow, he releases the 1st and then the 2nd
 - i. *explanation*: the 2nd can't be released before taking effect by approaching the חכם
 - ii. *rejection*: who's to say which is the “1st”?
 - b. *possible support*: ברייתא that if he vows and adds that he will become a נזיר upon release from the vow, he must get the vow released 1st, then the נזירות
 - i. *rejection*: that could be authored by ר' נתן (רבא supporting)
 - (c) *alternate version of dissent* (reported in פפי ר' name): רב פפי understood as follows:
 - (i) נתן ר' הפרה cannot be employed until the נדר takes effect (v. 1 – with some wordplay)
 - (ii) דבנן: הפרה may be employed before the נדר takes effect (v. 2)
 - (iii) *Consensus*: שאלה may be employed before the נדר takes effect (v. 3)
 - 1. therefore: אחא בר רב הונא ר' actions were unnecessary (!)
 - 2. *challenge*: (possible support #1 above)
 - a. *defense*: (as above, who's to say which is “#1”?)
 - 3. *challenge*: (possible support #2 above – נזיר → נדר)
 - a. *indeed* – that blocks this 2nd understanding of ר' פפי and ר' אחא behavior is anchored