

18.04.04

36a (בדיסקי) → (התקין ר"ג הזקן 35b)

7. שדות בקסף יקנו וכתוב בספר וחתום והעד עדים בארץ בגנמן ובסביבי וירושלם ובערי והודיה ובערי ההר ובערי השפלה ובערי הנגב ... ידמיהו לב, מד

I Continued analysis of 'משנה ג'

- a 1st תקנה – that we make the אלמנה take a נדר to ban anything they demand to gain credibility
- i ר' הונא: this only applies if she hasn't remarried in the interim
- 1 *however*: if she has retermarried, we don't coerce her to take a vow
- (a) *reason*: her husband may repudiate the vow
- (i) *challenge*: even if she's unmarried, she may marry and her new husband may repudiate
- (ii) *answer*: he may not repudiate vows taken before they married – אין הבעל מיפר בקודמין –
- (iii) *challenge*: she may go to a חכם and he'll release the נדר
- (iv) *answer*: he maintains that the נדר must be explicated to be released (and the חכם won't release this one)
- ii ר' נחמן: applies even if she's already married
- 1 *reason*: we may administer the vow publicly, after which it may not be released or repudiated
- 2 *challenge to ר' הונא דל*: ruling that if she married, she may take a vow and collect
- (a) *answer*: whether a publicly expressed vow may be released is subject to a dispute among תנאים
- iii *tangential question*: does a נדר need be explicated in detail for הפרה/התרה?
- 1 ר' נחמן: need not – else the חכם may hear and release only part but the petitioner will believe it's all released
- (a) *challenge*: ruling that a כהן who has an unfit wife (e.g. גרושה) takes a נדר, continues עבודה, then divorces her
- (i) *explanation*: if he needs not explicate the נדר for release, he may release that נדר later and not divorce
1. *answer*: we administer the vow publicly
- a. *challenge*: a publicly administered vow being releaseable is subject to dispute
- b. *answer*: we administer the vow על דעת רבים - all agree that such a נדר may never be released
- i. *note*: this limitation only applies to דיבר הרשות; if it involves a דיבר מצוה, even such a vow may be released, as in the case of the schoolteacher who was released as he was the best.
- 2 ר' פפא: it needs to be explicated: else someone may "use" the חכם to release a נדר akin to ours (איסורא)
- b 2nd תקנה – that תיקון העולם sign on a גט in order to promote העולם
- i *Challenge*: עדים should be signing on as essential to גט, as per v. 1
- ii *Answer#1 (רבה)*: follows ר"א – עדי מסירה כרתי – ר"א; since עדי עדים may die or travel afar, protecting the גט, we require עדי חתימה
- iii *Answer#2 (ר' יוסף)*: could even be ר"מ – requirement to have explicit names is תיקון העולם
- 1 *Explanation*: originally, witnesses would sign their name (without patronym or other identifiers)
- (a) *If*: their signatures were known from another שטר, this one would be validated; otherwise, it wouldn't
- (b) *Challenge*: rabbis used marks to sign (e.g. רב marked with a fish)
- (c) *Answer*: everyone knows their marks
- (i) *Note*: marks were validated from their correspondences