

18.04.12

45a (משנה 2) → 46b (לעולם אסיפא, והכי קתני: אין בזו מפני תיקון העולם)

1. אשר עוד בקשה נפשי ולא מצאתי אדם אחד מאלי מצאתי ואשה בכל אלה לא מצאתי: קהלת ז, כח
 2. ושמעתם את דברי אלה על לבבכם ועל נפשכם וקשרתם אתם לאות על ידכם והיו לטוטפת בין עיניכם... וכתבתם על מזוזות ביתך ובשעריך: דברים יא, יח, כ
 3. ולא הפום בני ישראל כי נשבעו להם נשיאי קעקה בה' אלהי ישראל וילנו כל העדה על הנשיאים: יהושע ט, יח

- I 21 redeeming captives:
- a we don't redeem captives for more than their "value" – מפני תיקון העולם
 - i unclear if this is to save public funds or to dissuade the captors from capturing again (story w/לוי doesn't help)
 - b we don't smuggle captives away from the captors – מפני תיקון העולם
 - i dissent: רשב"ג – מפני תקנת השביין – רשב"ג (for the benefit of the captives)
 - ii Split the difference: if there is only one captive (רשב"ג's concern inapplicable)
 - iii Story: with daughters of ר' נחמן and ר' עיליש (v. 1)
- II 31 redeeming תורה etc.
- a we don't purchase ס"ת from non-Jews for more than their value – מפני תיקון העולם
 - i implication: we may read from a ס"ת purchased from non-Jews
 - 1 rejection: perhaps we purchase it (at value) and then bury it
 - ii practicum (ר"נ): if a ס"ת is:
 - 1 written: by a מין (Christian), it is burned
 - 2 written: by a pagan, it is buried
 - 3 found: in the possession of a מין, it is buried
 - 4 found: in the possession of a pagan – ר"נ: it is buried; א"א – we may read from it
 - iii divergent rulings: if written by a pagan;
 - 1 burned: follows ר"א – the assumed intent of a pagan is for his religion
 - 2 buried: follows opinion that only those obligated in wearing תפילין may write ס"ת (v. 2)
 - 3 read: follows רשב"ג who permits a ס"ת written (properly) by עכ"ם
 - (a) challenge: רשב"ג requires (even) preparing the parchmen, certainly he requires לשמה, certainly he requires לשמה
 - (b) defense: he permitted in the case of a גר that reverted – due to fear – to his old ways (not an עכ"ם)
 - b note: we are allowed to add a bit (איסתיריא) to the value in order to purchase them from the עכ"ם (story with אב"י)
- III ז' remarrying a woman divorced due to a שם רע (of adultery) or נדר she took
- a he may never remarry her:
 - i version #1: he must state: "I am divorcing you due to the שם רע (or נדר)" (supporting ברייתא)
 - 1 reason: to prevent him from destroying her life later on
 - (a) explanaztion: he could later say, "Had I known that you were innocent, I wouldn't have divorced you"
 - (i) effect: גט may be nullified and her subsequent marriage invalid – and children stigmatized
 - (ii) Therefore: by ruling (מפני תיקון העולם) that he can't remarry her – he'll check carefully before acting
 - ii version #2: he must state: "know that I'm divorcing you due to your שם רע (or נדר)" (supporting ברייתא)
 - 1 reason: to keep ישראל בנות from being promiscuous and taking vows lightly
 - (a) explanation: when they learn that such a marriage can never be restored, they'll be more careful
 - b ר' יהודה: only if the נדר was known to the public; otherwise, he may remarry her
 - i reason: v. 2 – (oath taken to גבעונים of mutual defense)
 - ii רבנן: that oath was never effective, as it was taken under false pretenses (גבעונים were not from a distant land)
 - 1 however: they refrained from killing them as an act of קידוש ה'
 - iii definition of "רבים"
 - 1 3 – ר"נ (as per דרשה on זבה גדולה – ימים רבים; ימים = 2; רבים adds a day → 3)
 - 2 10 – ר' יצחק (עדה per עדה)
 - c ר"מ – only a נדר which requires חכם prevents remarriage
 - i reason: a man doesn't mind if his wife has to go to ב"ד and he may hurt her later on
 - d ר"א – a נדר which doesn't require חכם is the main problem – but they prohibited צריך as a precaution against it
 - i Reason: a man wouldn't want his wife to have to go to ב"ד and in such a case there isn't real concern for קלקול
 - e ר' יוסי בר יהודה – (only applies if she takes a נדר; not if he does, as per) in צידן, a man banned all פירות on himself if he didn't divorce his wife and they permitted him to remarry העולם
 - i refers to earlier clause – or may mean "case involves no תיקון עולם and therefore we'll allow him to remarry her"
 - ii In spite of: our general disapproval of those who take נדרים (נתן ר' aphorism)