

18.04.13

46b (משנה ח) → 47a (ועזבו לאחרים חילם)

7. פי יראה חכמים מותו יחד קטיל ובער יאבדו ועזבו לאחרים חילם: תהלים מט, יא

- I ח' משנה: regarding a wife who was divorced on the assumption of being an איילונית - but subsequently gave birth
- a remarriage:
- i ר' יהודה: he may not remarry her
- ii חכמים: permit
- b כתובה
- i if she claims her כתובה from the first husband, ר' יהודה says – he may tell her “best keep silent”
- 1 explanation: if she claims that she was never an איילונית, that may invalidate the גט and stigmatize children
- c apparent contradiction: ר' יהודה seems to be concerned with his disrupting her life, but in ' משנה, he permitted a woman divorced due to נדר to be remarried (unless it was a public נדר → irrevocable)
- d answer1 (שמואל): invert names (in our משנה, both clauses are authored by רבנן and ר' יהודה dissents in the 1<sup>st</sup>)
- e Answer2 (אבוי): keep text as is – ר' יהודה holds like ר"א about intricate נדר (man wouldn't want his wife to go to court) and like ר"מ regarding simple one (man would be careful about a נדר that he could release) → no קלקול possible there
- f Answer2a (רבא): contradiction within רבנן solved – “רבנן” here represent ר"מ who requires a “doubled condition”
- i Explanation: he divorced her, saying “due to your being an איילונית”, without adding “if you weren't איילונית...”
- II טו משנה: if someone sells himself and his children (as slaves) to non-Jews, we don't redeem him
- a however: we do redeem his sons after his death
- b note (ר' אסי): this restriction applies only if he's done this 3 times
- c Stories:
- i man borrowed from עכ"ם and didn't pay back; he seized them as slaves; ר' הונא didn't effect their release
- 1 Reason: they were accustomed to doing so (as if they had sold themselves into slavery several times)
- ii Man sold himself as slave to gladiators (*ludarii*) and asked to be redeemed
- 1 ר' אמי thought to redeem him, as we redeem the children (in our משנה) to save them from being brought up as עכ"ם, certainly here where the slave is likely to be killed
- (a) however: students told ר' אמי that this fellow is a מומר – he has been seen eating נבילות
- (i) protest: perhaps it's just “circumstantial” (מומר לתיבון)
- (ii) response: he was seen choosing נבילה-meat even when proper meat was available (turned away)
- iii ריש לקיש: (before he become observant – תוס' – sold himself to gladiators, secreted a weapon
- 1 then: on last day of his life, they granted him a final wish – he wanted to strike each of them 1 and a half times (but they didn't know about his secreted rock) and he killed them all, after which he never worried, but always spent what he earned, leaving a negligible inheritance as per v. 1