

The Soncino Babylonian Talmud



NEDARIM

Book II

Folios 45b-91b

CHAPTERS V-XI

TRANSLATED INTO ENGLISH WITH NOTES

BY

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NEDORIM – 45b-91b

Nedarim 45b

CHAPTER V

MISHNAH. IF [TWO] JOINT OWNERS MADE A VOW NOT TO BENEFIT FROM ONE ANOTHER, THEY MAY NOT ENTER THE COURTYARD.¹ R. ELIEZER B. JACOB SAID: EACH ENTERS INTO HIS OWN.²

1. Which belongs to both.
2. He maintains that it is as though it had been stipulated when jointly acquiring the property, that it should belong to each partner separately for his entering therein. Consequently, when he enters, he is not benefiting from the other. The Sages do not accept this view.

Nedarim 46a

AND BOTH ARE FORBIDDEN TO SET UP A MILL-STONE OR AN OVEN OR BREED FOWLS THEREIN.¹ IF [ONLY] ONE WAS FORBIDDEN BY VOW TO BENEFIT FROM THE OTHER, HE MAY NOT ENTER THE COURT. R. ELIEZER B. JACOB SAID: HE CAN MAINTAIN, 'I AM ENTERING INTO MY OWN, NOT INTO YOURS.' HE WHO THUS VOWED IS FORCED TO SELL HIS SHARE [OF THE COURT].² IF A MAN FROM THE STREET WAS FORBIDDEN BY VOW TO BENEFIT FROM ONE OF THEM, HE MAY NOT ENTER THE COURT. R. ELIEZER B. JACOB SAID: HE CAN MAINTAIN, 'I ENTER YOUR NEIGHBOR'S PORTION, AND I DO NOT ENTER INTO YOURS. IF ONE IS FORBIDDEN BY VOW TO BENEFIT FROM HIS NEIGHBOR, AND THE LATTER POSSESSES A BATH-HOUSE OR AN OLIVE PRESS LEASED TO SOMEONE IN THE TOWN, AND HE HAS AN INTEREST THEREIN, HE [THE MUDDAR] IS FORBIDDEN [TO MAKE USE OF THEM]; IF NOT, HE IS PERMITTED. IF A MAN SAYS TO HIS NEIGHBOR, 'KONAM, IF I ENTER YOUR HOUSE', OR 'IF I PURCHASE YOUR FIELD,' AND THEN [THE OWNER] DIES OR SELLS IT TO ANOTHER, HE IS PERMITTED [TO ENTER OR BUY IT]; [BUT IF HE SAYS.] 'KONAM, IF I ENTER THIS HOUSE, OR 'IF I PURCHASE

THIS FIELD,' AND [THE OWNER] DIES OR SELLS IT TO ANOTHER, HE IS FORBIDDEN.

GEMARA. The scholars propounded: They differ when they interdicted themselves by vow. But what if each imposed a vow upon the other? Do we say, they differ [only] in the former case, but that in the latter the Rabbis agree with R. Eliezer b. Jacob, since they are involuntarily prohibited;³ or perhaps the Rabbis dispute even in the latter case?⁴ Come and hear: IF [ONLY] ONE WAS FORBIDDEN BY VOW⁵ TO BENEFIT FROM THE OTHER... and the Rabbis dispute it! — Learn, forbade himself from his neighbor.⁶ This is logical too, for the second clause states: NOW, HE WHO THUS VOWED IS FORCED TO SELL HIS SHARE OF THE COURT. Now, this is reasonable if the vow was self-imposed: hence he is compelled. But if you say that a vow was imposed against him, why is he compelled. Seeing that the position is not of his making?⁷

Rabbah said in Ze'iri's name:

1. R. Eliezer b. Jacob admits this, for joint owners can object to this. Consequently, if they do not, each benefits by the permission of the other.
2. For since he may enter, but not the other (this being taught on the view of the Sages), the second, in resentment, might enter none the less in disregard of the vow.
3. For if they voluntarily interdict themselves of all benefit, it may be maintained that each thereby renounces also his share, which is inseparable from his partner's. But when each forbids the other, it may be argued that neither can prohibit that which the other enjoys in his own right.
4. For the prohibition arises because in their opinion it is impossible to distinguish between the portions belonging to each.
5. Muddar is the hofal, and implies that the vow was imposed upon him by another.
6. Nadur, passive Kal. implies self-imposed. No emendation is really made in the Mishnah, but the Talmud answers that muddar may be synonymous with nadur, self-imposed.
7. Lit., 'surely he is under constraint'. I.e., it is equitable to force him to sell, if as a result of his own vow he may come to transgression, but not otherwise.

NEDORIM – 45b-91b

Nedarim 46b

The dispute is only if it [the court] is large enough to be divided; but if not, all agree that they are permitted.¹ Said R. Joseph to him: But what of a synagogue which is as a thing which cannot be divided,² yet we learnt, Both are forbidden [the use of] the [common] property of the town?³ — But, said R. Joseph in Ze'iri's name, The controversy is only when it is not [large] enough to divide;⁴ but if it is, all agree that both are forbidden. R. Huna said: The *Halachah* is as R. Eliezer b. Jacob; and R. Eleazar said likewise: The *Halachah* is as R. Eliezer b. Jacob.

IF ONE IS FORBIDDEN BY VOW TO BENEFIT FROM HIS NEIGHBOR, AND THE LATTER POSSESSES A BATH-HOUSE, etc. How much is meant by AN INTEREST THEREIN? — R. Nahman said: A half, third, or a quarter, but not less.⁵ Abaye said, Even for less, he is forbidden. Under what conditions is he permitted? If he [the lessee] rents it in return for [the payment of] the land-tax.⁶

1. The smallest area of a court to be of any use as such is four square cubits. Now, only if it contains at least eight square cubits do the Rabbis maintain that each is forbidden to enter, since it is possible for them to divide, and yet each portion shall be large enough itself for a court; for then it cannot be said that when they purchased it jointly, each was entitled to the whole of it, as explained on p. 142, n. 2. But a lesser area cannot be divided, and therefore the original condition of purchase must have been that the whole belongs to each.
2. Since its essential use is joint worship, and should it be divided, it ceases to be a synagogue.
3. *Infra* 48a.
4. Yet even then the Rabbis maintain that each is forbidden to enter.
5. Less than a quarter is regarded as negligible. And the muddar is not forbidden to use it on its account. [Var. lec., 'but for eggs it is permitted'. [H] for [H], the reference being to the egg-shaped forms of clay which are placed in the oven of the bath-house for drying. If his interest consists in the use he makes of the bath-house

for that purpose, it is not regarded of any consequence.]

6. The tax must have been very high if the owner was prepared to forego any possible profit. — Taska was the Persian land tax. (v. Obermeyer. p. 221, n. 3), and the Mishnah, which was produced in Palestine, cannot actually refer to this tax. Abaye's interpretation must therefore be regarded merely as an illustration. [Aliter: If he (the lessee) obtained it on a rental; retaining all the profit to himself.]

Nedarim 47a

IF ONE SAYS TO HIS NEIGHBOR, etc. Abimi¹ propounded: What [if one says to his neighbor.] 'Konam, if you enter this house,' and then he sells it or dies: Can one prohibit that which he owns [for the prohibition] to be effective even when it leaves his ownership, or not? — Said Raba, Come and hear: If one says to his son, 'Konam that you benefit not from me,' and he dies, he is his heir. [But if he explicitly stipulates] during his lifetime and he dies, he does not succeed him. This proves that one can prohibit that which he owns [for the prohibition] to hold good when it leaves his ownership. The proof is conclusive.

We learnt elsewhere: [If one says.] 'Konam be these fruits to me,' or, 'Be they Konam for my mouth,' or, 'Be they Konam to my mouth': he is forbidden [to benefit] from what has been exchanged for them or grown from them.² Rami b. Hama propounded. If he vows, 'Konam be these fruits to So-and-so', what of their exchange? Do we say, With respect to oneself, since he can forbid to himself [even] his neighbor's property, he can [likewise] forbid to himself what is not yet in existence;³ but as for his neighbor, since one cannot prohibit another's produce to his neighbor, he likewise cannot prohibit what is non-existent;

1. *Var. lec.:* Abaye.
2. *Infra* 57a.
3. What may be given for the produce subsequent to the vow is regarded as non-existent when the vow is made.

Nedarim 47b

NEDORIM – 45b-91b

or perhaps since what is taken in exchange is the same as what grows from its seed, there is no difference between oneself and his neighbor?¹ — Said R. Aha b. Manyumi, Come and hear: If a man says to his wife, 'Konam, if I benefit thee,' she may borrow [money], and the creditors come and exact it from him. Why can the creditors collect it [from him]: surely because what is taken in exchange is not the same as what grows from them?² Said Raba, possibly it is forbidden [to make an exchange] in the first place only, but if it has been done, it is valid.³ But come and hear: If a man betroths [a woman] with 'Orlah,⁴ she is not betrothed; but if he sells it and betroths her with the money thereof, she is betrothed!⁵ — [No.] Here too it may be forbidden in the first place only, but if done it is valid.

MISHNAH. [IF A MAN SAYS TO HIS NEIGHBOR.] 'I AM HEREM TO YOU,' THE MUDDAR IS FORBIDDEN [TO DERIVE BENEFIT]. 'YOU ARE HEREM TO ME,' THE MADDIR IS FORBIDDEN. I AM [HEREM] TO YOU, AND YOU ARE [HEREM] TO ME, BOTH ARE PROHIBITED. BOTH ARE PERMITTED [TO ENJOY THE USE OF] THOSE THINGS WHICH BELONG TO THOSE WHO CAME UP FROM BABYLON [TO PALESTINE],⁶ BUT ARE FORBIDDEN [THE USE OF] THINGS THAT BELONG TO THAT TOWN.⁷

1. For it is obvious that the fruit which grows is forbidden to his neighbor, and possibly what is given in exchange is the same.
2. Thus, in this case, the money she receives is not the same that is repaid.
3. I.e., it can be maintained that the problem regarding what is exchanged for them, is whether one may deliberately exchange these fruits for something else, so that it shall be permitted to the muddar. But if they were exchanged, they certainly are permitted. Hence, in this case, since the wife receives the money before the creditors exact it from her husband, it is regarded as a fail accompli, the legality of which is not in doubt. (The explanation follows Asheri. Ran gives a different interpretation).
4. 'Fruit of uncircumcision. V. Lev. XIX, 23.
5. This proves that the prohibition does not remain upon what has been exchanged for something forbidden.
6. I.e., the band of immigrants who returned to Palestine under Zerubbabel, and later under

Ezra and Nehemiah, who declared certain things inalienable property which can be deemed ownerless.

7. In which each citizen has a share.

Nedarim48a

NOW, WHAT ARE THE THINGS THAT BELONG TO THEM THAT CAME UP FROM BABYLON? E.G., THE TEMPLE MOUNT, THE COURTS OF THE TEMPLE AND THE WELL ON THE MIDROAD.¹ WHAT ARE THE THINGS THAT BELONG TO THAT TOWN, E.G., THE PUBLIC SQUARE, THE BATH-HOUSE, THE SYNAGOGUE, THE ARK [IN WHICH THE SACRED SCROLLS WERE KEPT] AND THE BOOKS [OF THE LAW],² AND [THE ESTATE OF] HIM WHO ASSIGNS HIS PORTION TO THE NASI.³ R. JUDAH SAID: IT IS THE SAME WHETHER HE ASSIGNS IT TO THE NASI OR TO A PRIVATE INDIVIDUAL, BUT WHAT IS THE DIFFERENCE? IF HE ASSIGNS IT TO THE NASI, HE NEED NOT [FORMALLY] CONFER TITLE;⁴ WHILST IN THE CASE OF AN INDIVIDUAL IT IS NECESSARY TO CONFER TITLE.⁵ BUT THE SAGES MAINTAIN: FORMAL GRANT OF TITLE IS NECESSARY IN BOTH CASES; THEY MENTIONED THE NASI IN PARTICULAR AS THIS IS USUAL.⁶ R. JUDAH SAID: THE GALILEANS NEED NOT ASSIGN [THEIR PORTION], BECAUSE THEIR ANCESTORS HAVE ALREADY DONE SO FOR THEM.

GEMARA. Why is it forbidden?⁷ — Said R. Shesheth, The Mishnah teaches thus: How can they repair their position?⁸ Let them assign their portion to the nasi.⁹

R. JUDAH SAID: THE GALILEANS NEED NOT ASSIGN [THEIR PORTION]. BECAUSE THEIR ANCESTORS HAVE ALREADY DONE SO FOR THEM. It was taught: R. Judah said: the Galileans were quarrelsome and wont to make vows not to benefit from each other: so their fathers arose and assigned their portions to the nasi.

MISHNAH. IF ONE IS FORBIDDEN BY VOW TO BENEFIT FROM HIS NEIGHBOR AND HAS

NEDORIM – 45b-91b

NOTHING TO EAT, THE LATTER CAN GIVE IT [FOOD] TO A THIRD PARTY, AND THE FORMER IS PERMITTED TO USE IT. IT HAPPENED TO ONE IN BETH HORON¹⁰ THAT HIS FATHER WAS FORBIDDEN TO BENEFIT FROM HIM. NOW HE [THE SON] WAS GIVING HIS SON IN MARRIAGE;¹¹ SO HE SAID TO HIS NEIGHBOR, 'THE COURTYARD AND THE BANQUET BE A GIFT TO YOU, BUT THEY ARE YOURS ONLY THAT MY FATHER MAY COME AND FEAST WITH US AT THE BANQUET. THEREUPON HE ANSWERED, 'IF THEY ARE MINE, LET THEM BE CONSECRATED TO HEAVEN!' 'BUT I DID NOT GIVE YOU MY PROPERTY TO CONSECRATE IT TO HEAVEN, HE PROTESTED. YOU GAVE ME YOURS SO THAT YOU AND YOUR FATHER MIGHT EAT AND DRINK TOGETHER AND BECOME RECONCILED TO ONE ANOTHER, WHILST THE SIN [OF A BROKEN VOW] SHOULD DEVOLVE UPON HIS HEAD,'¹² HE RETORTED. [WHEN THE MATTER CAME BEFORE] THE SAGES, THEY RULED: EVERY GIFT WHICH IS NOT [SO GIVEN] THAT IF HE [THE RECIPIENT] CONSECRATES IT, IT IS CONSECRATED, IS NO GIFT [AT ALL].

GEMARA. [Does the Mishnah adduce] a Story to contradict [its ruling]?¹³ — The text is defective, and was thus taught: But if the end proves [his intention] at the beginning,¹⁴ it is forbidden, and so it happened in Beth Horon, in the case of one whose last action demonstrated his first [as a mere evasion].

Raba said: They [the Sages] taught [that it is forbidden] only if he said, 'They are yours only in order that my father may come [etc.].' But if he said, 'They are yours so that my father may come, he meant, 'It depends on your will.'¹⁵ A different version is this: Raba said: Do not think that he is forbidden only if he said, 'And they are yours only in order that my father may come', but if he said, 'They are yours so that my father may come' it is permitted. [That is not so,] for even if he said, 'They are yours: let my father come,' it is forbidden. What is the reason? Because the banquet proves his intention.

1. Between Babylon and Palestine, for the supply of water to the pilgrims, v. 'Erub. 104b. These things were declared the property of all Israel.
2. (Rashi. Asheri: Books purchased by the congregation for the reading of the general public.]
3. The head of the Sanhedrin in Jerusalem and subsequent places. According to this reading, this portion too would be forbidden. But the Gemara amends the text of the Mishnah.
4. I.e., by the mere documentary assignation it becomes the Nasi's property.
5. E.g., one of the recognised methods of acquisition.
6. For one would fear to assign his portion in communal property to an individual, lest he then forbid it to him. V. also Halevy, Doroth, I, 3, p. 61 and general discussion a.l.
7. This question is based on the assumption that if the maddir assigns his portion to the nasi, the muddar is still forbidden.
8. Since the use of communal property as defined in the Mishnah is essential to them.
9. In cur. edd. a portion of the Mishnah is here reproduced in brackets, viz., 'R. Judah said, It is the same ... this is usual'. But the quotation is pointless, and should be deleted.
10. A border town between Benjamin and Ephraim.
11. And desired his father's presence.
12. [Probably a euphemism for 'my head'. J. reads 'my head'.]
13. Surely not! For the Mishnah states that the maddir may make a gift for the muddar to benefit thereby, and then quotes a case where this was forbidden.
14. That it was a mere device.
15. Hence it is permitted.

Nedarim 48b

A certain man had a son who used to carry off bundles of flax. Thereupon his father forbade his property to him.¹ 'But,' said others to him, 'what if the son of your son is a scholar?'² He replied, 'Let him acquire it, and if my³ grandson be a scholar, it shall be his.'⁴ Now, what is the law? — The Pumbedithans⁵ ruled, This is a case of 'Acquire, in order to give possession,' and such does not give a legal title. R. Nahman said: He [the son] acquires [it], for [the giving of] a sudarium too is a case of 'Acquire, in order to give possession.'⁶ R. Ashi demurred: But in the case of a sudarium, who tells you that if he retains it, it is not his?⁷ Moreover, the sudarium is a case of 'Acquire

NEDORIM – 45b-91b

in order to give possession,' and 'Acquire [it] from now.'⁸ But as for this property, — when shall he acquire it? When his grandson is a scholar: [but] by then the sudarium [whereby the transference was made] has been returned to its owner.² Raba [also] questioned R. Nahman: But the gift of Beth Horon was a case of 'Acquire, in order to give possession,' yet it was invalid? Sometimes he answered, Because his banquet proves his intention;¹⁰ sometimes he answered, This is taught in accordance with R. Eliezer, who maintained that even the extra [given by the vendor to a customer] is forbidden to one who is interdicted by vow to benefit.¹¹

We learnt, THE SAGES RULED, EVERY GIFT WHICH IS NOT [SO GIVEN] THAT IF HE [THE BENEFICIARY] CONSECRATES IT, IT IS CONSECRATED, IS NOT A GIFT [AT ALL]. Now, what does EVERY include? Surely it includes such as this case of stealing flax?¹² — No. It includes the case of the second version of Raba's ruling.¹³

1. Though, as stated above, (*supra* 47a) his son would still inherit it, this story may be explained on the supposition that he had two sons, and wished to give the whole of his estate to the second (Ran).
2. At the time he had no grandson yet.
3. This is Rashi's reading. Cur. edd.: and if ... [Var. lec. 'let him not acquire, and if ...' v. BaH.]
4. But if not, it reverts to my other son. — Ran.
5. A great academy town in Babylonia, at the mouth of the Beditha (which is the meaning of the name), a canal of the Euphrates.
6. One of the methods of acquisition was by exchange (*halifin*), in which an object (a sudarium kerchief) was given by the purchaser or recipient to the vendor or donor as a symbolical substitute v. B.M. 47a. Now, actually, this was given merely in order that the latter might give legal possession to the former, and was generally returned, yet it was valid.
7. I.e., though in fact it was only a symbol, and usually returned, yet it may be retained; but here it was not intended that the son should have possession at all but merely to be the medium of transference, for if his grandson would not be a scholar, the estate was to revert to his second son.

8. [Ran reads: Acquire in order to give possession from now.] As soon as the vendor acquires the scarf, the purchaser is the legal owner of his purchase.
9. [At the time when the title was granted the grandson was not yet in existence, and when he is ripe enough to receive the legacy the act of transference had long been a matter of the past, and no longer effective.]
10. I.e., it was not a genuine gift at all.
11. On account of this he ruled that he may not even walk over his field (32b), though ordinarily walking over another person's field is not accounted an encroachment of rights. Thus R. Eliezer treats vows far more stringently than other matters. Consequently, here too he rules the gift invalid. But the Sages, who disagree with him, would regard the gift of Beth Horon valid.
12. That such a gift is invalid, not merely because of the greater stringency of vows, but because 'Acquire in order to give possession' confers no title. [This is the reading of Ran. Rashi and Asheri: Where the condition was repeated or cast in two forms (v. *supra* p. 149 n. 3). Our text presents a conflation of the two readings.]
13. V. *Supra*.

Nedarim 49a

CHAPTER VI

MISHNAH. HE WHO VOWS [NOT TO EAT] WHAT IS COOKED [MEBUSHAL] IS PERMITTED WHAT IS ROASTED OR SEETHED.¹ IF HE SAYS, 'KONAM THAT I TASTE ANY COOKED DISH [TABSHIL]' HE IS FORBIDDEN [TO EAT] FOOD LOOSELY COOKED IN A POT, BUT IS PERMITTED [TO PARTAKE] OF WHAT IS SOLIDLY PREPARED.² HE MAY ALSO EAT A HARD BOILED EGG³ AND REMUZIAN CUCUMBERS.⁴ HE WHO VOWS ABSTINENCE FROM FOOD PREPARED IN A POT, IS FORBIDDEN ONLY BOILED DISHES; BUT IF HE SAYS, 'KONAM THAT I TASTE NOT WHATEVER DESCENDS INTO A POT, HE IS FORBIDDEN EVERYTHING PREPARED IN A POT.'⁵

GEMARA. It was taught: R. Josiah forbids [them].⁶ And though there is no proof of this,⁷ there is some indication, for it is said, And they boiled⁸ the Passover in fire, according to the

NEDORIM – 45b-91b

law.² Shall we say that they differ in this: That R. Josiah holds: Follow Biblical usage; whilst our Tanna maintains: In vows follow the popular usage? No. All agree that in vows we must follow popular usage: but each [rules] according to [the usage] in his district. In the district of our Tanna roast is called roast, and cooked, cooked. But in R. Josiah's, even roast is called cooked. But he adduces a verse? — That is a mere support.¹⁰

[IF HE SAYS,] 'KONAM THAT I TASTE NOT ANY COOKED DISH [TABSHIL]. But he vowed [abstinence] from a tabshil?¹¹ — Said Abaye: This Tanna designates everything with which bread is eaten a tabshil.¹² And it was taught [likewise], He who vows [abstinence] from a tabshil is forbidden all cooked food [tabshil], and whatsoever is roasted, seethed, or boiled; he is also forbidden soft preserves of gourds with which the sick eat their bread. But this is not so. For R. Jeremiah fell sick. When the doctor called to heal him, he saw a pumpkin lying in the house. Thereupon he left the house, saying. 'The angel of death is in that house,¹³ yet I am to cure him'!¹⁴ — That is no difficulty: the former refers to soft preserves; the latter to hard.¹⁵ Raba b. 'Ulla said: The latter refers to the pumpkin itself;¹⁶ the former to its inner contents.¹⁷ For Rab Judah said: The soft part of a pumpkin [should be eaten] with beet; the soft part of linseed is good with kutah.¹⁸ But this may not be told to the ignorant.¹⁹

Raba said: By 'the sick', scholars are meant.²⁰ This agrees with another dictum of his. For Raba said:

1. Seethed. Heb. shaluk [H], denotes more thoroughly boiled than cooked (mebushal).
2. Because (tabshil is only applicable to a loose liquid-like substance, but not to a dense mass.
3. [[H] Gr. [G] trembling, hence shrivelled up; v. Gemara. J. explains it as lightly boiled egg; cf. Krauss. T.A. I. pp. 125 and 515.]
4. This is discussed on 51a.
5. Both liquids and solids.
6. Sc. what is roasted or seethed. This refers to the first clause of the Mishnah.
7. That [H] includes these.

8. Heb. [H], impf. of [H] of which [H] is a pass. part.
9. II Chron. XXXV, 13. But the Passover Sacrifice had to be roasted; hence [H] is applicable to roasts too. Yet this is not actual proof, because as stated *infra*, in vows the popular usage is the norm.
10. His ruling, however, is not based thereon.
11. Which implies both loosely cooked and a dense mass.
12. But not otherwise; a dense mass cannot be eaten with bread.
13. I.e., the pumpkin is like poison for him.
14. This shows that they are injurious to invalids.
15. The soft are beneficial, the hard, injurious.
16. I.e., the outer portion, which is hard and injurious.
17. Its heart, which is soft and beneficial
18. A preserve consisting of sour milk, bread-crusts and salt. — Jast.
19. Lest they tear up the growing flax to obtain the seed (Ran). Because it will appear absurd to then, (Tosaf).
20. I.e., in the Baraitha stating that 'the sick' eat their bread with soft preserves of gourds, the Rabbis and students are meant, not the literally sick. Hence there is no contradiction between that and the story of R. Jeremiah.

Nedarim 49b

In accordance with whom is it that we pray for the invalid and the sick?¹ In accordance with R. Jose.² Since he said, 'the invalid and the sick,' It follows that 'invalid' is literal, and 'the sick' [metaphorically] means the Rabbis.³

BUT IS PERMITTED [TO PARTAKE] OF A DISH SOLIDLY PREPARED. Our Mishnah does not agree with the Babylonians, for R. Zera said: The Babylonians are fools, eating bread with bread.⁴ R. Hisda said: There is none⁵ to make enquiries of the epicureans⁶ of Huzal⁷ how porridge is best eaten, whether a wheat porridge with wheaten bread, and a barley porridge with barley bread, or perhaps [they are best reversed,] wheat with barley, and barley with wheat. Raba ate it with stunted [parched] grains. Rabbah son of R. Huna found R. Huna eating porridge with his fingers. So he said to him, 'Why do you eat with your hands?' He replied, Thus did Rah say, [To eat] porridge with [one] finger is well: how much more so with two or three! Rab said

NEDORIM – 45b-91b

to his son Hiyya, and R. Huna said the same to his son Rabbah, 'If you are invited to eat porridge, [you may even go] a *parasang*⁸ for it; to eat beef, even three parasangs. Rab said to his son Hiyya, and R. Huna said likewise to his son Rabbah: You must never expectorate before your teacher, save [after eating] a pumpkin or porridge, because they are like lead pellets;² expectorate this even in the presence of King Shapur.¹⁰

R. Jose and R. Judah, — one ate porridge with his fingers, and one with a prick.¹¹ He who was eating with the prick said to him who was eating with the fingers, 'How long will you make me eat your filth?'¹² The other replied, 'How long will you feed me with your saliva?'¹³

Lesbian figs¹⁴ were placed before R. Judah and R. Simeon. R. Judah ate; R. Simeon did not. [Whereupon] R. Judah asked him, 'Why are [you], Sir not eating?' He replied, 'These never pass out at all from the stomach.' But R. Judah retorted, 'All the more [reason or eating them], as they will sustain us tomorrow.'¹⁵ R. Judah was sitting before R. Tarfon, who remarked to him, 'Your face shines to-day.' He replied, 'Your servants went out to the fields yesterday and brought us beets, which we ate unsalted, had we salted them, my face would have shone even more.

A certain matron¹⁶ said to R. Judah, 'A teacher and drunkard!'¹⁷ He replied, You may well believe me that¹⁸ I taste [no wine] but that of Kiddush and Habdalah¹⁹ and the four cups of Passover,²⁰ on account of which I have to bind my temples from Passover until Pentecost;²¹ but a man's wisdom maketh his face shine.²² A min²³ said to R. Judah, 'Your face is like that of a moneylender or pig breeder.'²⁴ He replied, 'Both of these are forbidden to Jews; but there are twenty-four conveniences between my house and the School, and every hour I visit one of them.'

When R. Judah went to the Beth ha-Midrash,²⁵ he used to take a pitcher on his shoulders [to sit on], saying, 'Great is labour, for it honors the worker.'²⁶ R. Simeon used to

carry a basket upon his shoulders, saying likewise, 'Great is labour, for it honors the worker.'

R. Judah's wife went out, brought wool, and made an embroidered cloak. On going to market she used to put it on, whilst when R. Judah went [to synagogue] to pray he used to wear it. When he donned it, he uttered the benediction, Blessed be He who hath robed me with a robe.⁵⁰ Now, it happened once that R. Simeon b. Gamaliel proclaimed a fast,²⁸ but R. Judah did not attend the fast-service.²⁹ Being informed that he had nothing to wear, he [R. Simeon b. Gamaliel] sent him a robe, which he did not accept.

1. In our daily prayers; v. P.B. p. 47.
2. V. R.H. 16a. The Rabbis there maintain that a man is judged on New Year, and once he is sentenced, whether to life or death, the verdict cannot be reversed. Consequently, in their opinion it would be futile to pray for the recovery of the sick during the year. Hence the practice of praying for them accords with R. Jose's view, that man is judged every day.
3. Who are weakened by their intensive studies.
4. I. e., even food solidly prepared is eaten by them with bread consequently such would be included in the term 'tabhshil' and forbidden.
5. So the text as emended by BaH. Asheri reads: Is there any one, etc.
6. Lit., 'those who are very careful in their eating'. Rashi and one version of the Ran. Others: the fastidious.
7. A very old town lying below Nehardea, but nearer to Sura and belonging to the judicial circuit of the latter: Obermeyer, p. 299.
8. V. [Glos.](#)
9. I.e., it is dangerous to swallow the saliva left in the mouth after eating these.
10. Known otherwise as Shapur I. He was King of Persia and a friend of Samuel; Ber. 56a
11. Used as a fork.
12. They were both eating out of the same dish.
13. Because the thorn was not wiped each time after being put into his mouth.
14. Jast. These are very difficult to digest.
15. As such below, R. Judah was extremely poor; hence this was a consideration to him, though there is probably an element of humour in his retort.
16. This is mostly used of Roman ladies of noble birth.
17. [H] I.e., you are a Sage, yet you are drunk! His faces was always red and shining, giving that impressions.

NEDORIM – 45b-91b

18. Lit., 'My faith in the hand of this woman if ...'
19. Kiddush: a short blessing of sanctification, recited at the commencement of Sabbaths and festivals. Habdalah, lit., 'separation', a benediction said at the end of Sabbaths and festivals, thanking God for the distinction He created between holy and non-holy days. Both are recited over wine, which is drunk.
20. Four cups of wine are drunk at the meals on the first evening (without Palestine, two evenings) of Passover.
21. They gave him such a headache! Doubtlessly a metaphorical exaggeration.
22. Ecc. VIII, 1.
23. [So MS.M. (v. [Glos.](#)), cur. edd. 'Sadducee'.]
24. Their faces are always shining because of their great profits!
25. School House.
26. Lit., 'its master'. Otherwise he would have had to sit on the floor. It is not clear whether the school was so deficient in equipment that this was really necessary, or he himself wished to shew his appreciation of labour. In the story of the deposition of R. Gamaliel (Ber. 50b-28a). It is stated that many additional seats were placed for the great accretion of new disciples, proving that it was not customary to sit on the floor. R. Judah belonged to the following generation.
27. There is no such benediction in the statutory liturgy, and R. Judah probably uttered this without the use of the Divine Name and without mention of God's sovereignty. Through the omission of these it is not really a benediction at all, hence R. Judah might recite it. (Real benedictions may not be uttered save where the Rabbis have prescribed them).
28. Over and above the statutory fasts special fasts were proclaimed in times of drought or on account of national disasters, such as pestilence, evil decrees, etc.; Ta'an. 19a.
29. A special service was held: Ta'an. 15a.

Nedarim 50a

Lifting up the mat [upon which he was sitting], he exclaimed to the messengers, 'See what I have here,¹ but I do not wish to benefit from this world.'²

The daughter of Kalba Shebu'a³ betrothed herself to R. Akiba.⁴ When her father heard thereof, he vowed that she was not to benefit from aught of his property. Then she went and married him in winter.⁵ They slept on straw, and he had to pick out the straw from his hair. 'If Only I could afford it,' said he to her, 'I would present you with a golden Jerusalem.'⁶

[Later] Elijah came to them in the guise of a mortal,⁷ and cried out at the door. 'Give me some straw, for my wife is in confinement and I have nothing for her to lie on.' 'See!' R. Akiba observed to his wife, 'there is a man who lacks even straw.' [Subsequently] she counselled him, 'Go, and become a scholar.' So he left her, and spent twelve years [studying] under R. Eliezer and R. Joshua. At the end of this period, he was returning home, when from the back of the house he heard a wicked man jeering at his wife, 'Your father did well to you. Firstly, because he is your inferior; and secondly, he has abandoned you to living widowhood all these years.' She replied, 'Yet were he to hear my desires, he would be absent another twelve years. Seeing that she has thus given me permission,' he said, 'I will go back.' So he went back, and was absent for another twelve years, [at the end of which] he returned with twenty-four thousand disciples.⁸ Everyone flocked to welcome him, including her [his wife] too. But that wicked man said to her, 'And whither art thou going?'⁹ 'A righteous man knoweth the life of his beast,'¹⁰ she retorted. So she went to see him, but the disciples wished to repulse her. 'Make way for her,' he told them, 'for my [learning] and yours are hers.' When Kalba Shebu'a heard thereof, he came [before R. Akiba] and asked for the remission of his vow and he annulled it for him.

From six incidents did R. Akiba become rich: [i] From Kalba Shebu'a.¹¹ [ii] From a ship's ram. For every ship is provided with the figurehead of an animal. Once this [a wooden ram] was forgotten on the sea shore, and R. Akiba found it.¹² [iii] From a hollowed out trunk.¹³ For he once gave four it to sailors, and told them to bring him something [that he needed]. But they found only a hollow *log* on the sea shore, which they brought to him, saying, 'Sit on this and wait'.¹⁴ It was found to be full of *Dinari*. For it once happened that a ship sunk and all the treasures thereof were placed in that *log*, and it was found at that time. [iv] From the serokita.¹⁵ [v] From a matron.¹⁶ [vi]

NEDORIM – 45b-91b

1. My a miracle, upon which he had relied, the place was filled with gold.
2. This story shows that R. Judah, i.e., R. Judah b. Ila'i, was extremely poor. In general the scholars of that generation lived in great poverty, as a result of the Hadrianic persecutions. V. A. Buchler, *The Jewish Community of Sepphoris*, pp. 67 seq.
3. V. Git. 56a.
4. Then a poor shepherd.
5. An interval generally elapsed between betrothal (*Kiddushin*) and marriage (*nesu'in*).
6. A golden ornament with Jerusalem engraved thereon. V. 'Ed. II. 7.
7. Cf. Sanh. 109a, 113b; v. Tosaf. Hul. 6a. s.v. [H].
8. Cur. edd.: 'pairs of disciples'. But 'pairs' is absent in the version of Ket. 62b, and should be deleted here.
9. Taunting her that she was too humble to be observed by so great a scholar.
10. Prov. XII, 10.
11. Who shared his wealth with him.
12. It contained money.
13. [H] < [H], a stem, trunk: Rashi translates: a ship's coffer, from [H] to hide, and [H], treasure.
14. [Lit., 'make this a tarrying place' (Goldschmidt); or 'Let our master make this (a tarrying place)', Rashi.]
15. 'Aruch translates: Ishmaelite traders. The phrase is missing in 'En Jacob and unnoticed by the commentaries, and is obviously a corrupt dittography of [H] (Jast.)
16. A large sum of money was once needed for the school house. R. Akiba borrowed it from a matron, and at her request gave the Almighty and the sea as sureties for its punctual repayment. But when the money fell due, R. Akiba was unwell. Thereupon the matron stood at the edge of the sea did exclaimed, 'Sovereign of the Universe! Thou knowest that to Thee and to the sea have I entrusted my money'. In reply, He inspired the Emperor's daughter with a mad fit, in the course of which she threw a chest full of treasures into the sea, which was washed up at the matron's feet. On his recovery, he brought her the money, with apologies for the delay: but she told him what had happened, and sent him away with many gifts.

Nedarim 50b

The wife of Turnusrufus.¹ [vi] From Ket'i'a b. Shalom.²

R. Gamada gave four *zuz* to sailors to bring him something. But as they could not obtain it, they brought him a monkey for it. The monkey

escaped, and made his way into a hole. In searching for it, they found it lying on precious stones, and brought them all to him.

The Emperor's³ daughter said to R. Joshua b. Hananiah: 'Such comely wisdom in an ugly vessel!'⁴ He replied. 'Learn front thy father's palace. In what is the wine stored?' 'In earthen jars.' she answered. 'But all [common] people store [wine] in earthen vessels and thou too likewise! Thou shouldst keep it in jars of gold and silver!' So she went and had the wine replaced in vessels of gold and silver, and it turned sour. 'Thus,' said he to her, 'The Torah is likewise!' 'But are there not handsome people who are learned too?' 'Were they ugly they would be even more learned,' he retorted.

A certain woman of Nehardea came before Rab Judah⁵ for a lawsuit, and was declared guilty by the court. 'Would your teacher Samuel⁶ have judged thus?' she said. 'Do you know him then?' he asked. 'Yes, He is short and big-stomached, black and large toothed.' 'What, you have come to insult him! Let that woman be under the ban!' he exclaimed. She burst and died.

HE MAY ALSO EAT A WELL-BOILED EGG [BEZA TURMITA] — What is beza turmita? — Samuel said: The slave who can prepare one is worth a thousand *Dinarii*. For it must be placed a thousand times in hot water and a thousand times in cold, until small enough to be swallowed whole. If one is ulcerated, it attracts the matter to itself, and when it passes out the doctor knows what medicine is required and how to treat him. Samuel used to examine himself with Kulha,⁷ [which weakened him so] that his household tore their hair [in despair].

We have learnt elsewhere: If one is working among *kelusfin*, [Lesbian figs], he may not eat of *benoth sheba*';⁸ among *benoth sheba*', he may not eat of *kelusfin*. What are *kelusfin*? — A species of figs of which *pap* is made. A certain man once gave his slave to his friend to teach him a thousand different ways of making

NEDORIM – 45b-91b

pap, but he taught him only eight hundred. So he summoned him to a lawsuit before Rabbi. Rabbi remarked, 'Our fathers said, "We have forgotten prosperity,"⁹ but we have never even seen it!'¹⁰

Rabbi made a wedding feast for his son Simeon, (and did not invite Bar Kappara).¹¹ He wrote above the banqueting-hall,¹² 'Twenty-four thousand myriad *Dinarii* have been expended on these festivities 'Thereupon Bar Kappara said, 'If it is thus with those who transgress His will,¹³ how much more so with those who do His will!' When he [subsequently] invited him, he observed, 'If it is thus with those who do His will in this world, how much more so [will it be] in the world to come!'

On the day that Rabbi laughed, punishment would come upon the world.¹⁴ So he said to Bar Kappara [who was a humorist]. 'Do not make me laugh, and I will give you forty measures of wheat.' He replied. 'But let the Master see

1. Tineius Rufus, a Roman governor of Judea. After her husband's death she became a convert and married R. Akiba, bringing him in much wealth. V.'A. Z. 20a.
2. Ket'i'a b. Shalom was condemned to death by a Roman emperor — probably Hadrian — for giving counsel against the emperor and in favor of the Jews. He made R. Akiba his heir. — 'A.Z. (Sonc. ed.) 10b, pp. 53ff.
3. [Hadrian: v. J.E. VII. 291.
4. He was very ugly.
5. [At Pumbeditha where he had his school.]
6. R. Judah was for a short time a pupil of Samuel, after the death of Rab and R. Asst: v. Yeb. 18a.]
7. A stalk of some plant, which acted in the same way as the beza turmita.
8. A different species of figs. The reference is to Deut. XXIII, 25: When thou comest into thy neighbor's vineyard, then thou mayest eat grapes until thy fill at thin own pleasure. The Rabbis interpret this as referring to workers, who may eat any of the fruit — not particularly grapes — upon which they are engaged, but must confine themselves thereto.
9. Cf. Lam. III, 17, implying that they had once known it.
10. I.e., it is extraordinary that in these bad times he should know as many as he did.

11. The bracketed phrase is transposed its our editions.
12. Where the festivities took place.
13. A reference to the wrong done in not inviting him.
14. Rabbi suffered internal pains for thirteen years, during which there was never a drought. — B.M. 85a.

Nedarim 51a

that I may take whatever measure I desire.' So he took a large basket, pitched it over,¹ placed it on his head, went [to Rabbi] and said to him. 'Fill me the forty measures of wheat which I may demand front you.' Thereupon Rabbi burst into laughter, and said to him, 'Did I not warn you not to jest?' He replied. 'I wish but to take the wheat which I may [justly] demand.'

Bar Kappara [once] said to Rabbi's daughter. 'Tomorrow I will drink wine to your father's dancing and your mother's singing.'²

Ben Eleasa, a very wealthy man, was Rabbi's son-in-law, and he was invited to the wedding of R. Simeon b. Rabbi. [At the wedding] Bar Kappara asked Rabbi, What is meant by *To'ebah*?³ Now, every explanation offered by Rabbi was refuted by him, so he said to him, 'Explain it yourself.' He replied. 'Let your housewife come and fill me a cup.' She came and did so, upon which he said to Rabbi, 'Arise, and dance for me, that I may tell it to you.' Thus saith the Divine Law, '*To'ebah*': *To'eh Attah Bah*.⁴ At his second cup he asked him, 'What is meant by *Tebel*?'⁵ He replied in the same manner as before, [until] he remarked, 'Do [something] for me, and I will tell you.' On his complying, he said '*Tebel Hu*' means: Is there *Tablin* [perfume] in it [the animal]? Is intimacy therewith sweeter than all other intimacies?⁶ Then he further questioned, 'And what is meant by *Zimmah*?'⁷ 'Do as before, [and I will tell you.] When he did so, he said, '*Zimmah*' means *Zu Mah Hi*'.⁸ Now, Ben Eleasa could not endure all this, so he and his wife left.

NEDORIM – 45b-91b

What is [known of] Ben Eleasa? — It was taught: Ben Eleasa did not disburse his money for nothing, but that he might achieve thereby the High Priest's style of hair-dressing, as it is written, They shall only poll their heads.² It was taught: [That means] in the Lulian fashion.¹⁰ What was the Lulian style? — Rab Judah said: A unique style of hairdressing. How is that? — Raba said: The end [of one row of hair] reaching the roots of the other, and such was the hairdressing fashion of the High Priest.¹¹

AND REMUZIAN CUCUMBERS [DELA'ATH HA-REMUZAH]. What is DELA'ATH HA-REMUZAH? — Samuel said, Karkuz pumpkins.¹² R. Ashi said, cucumbers baked in ashes. Rabina objected to R. Ashi: R. Nehemiah said: Syrian cucumbers, i.e., Egyptian cucumbers, are Kil'yam¹³ in respect of Greek and Remuzian [cucumbers!]¹⁴ This refutation is unanswerable.

MISHNAH. HE WHO VOWS [ABSTINENCE] FROM FOOD PREPARED IN A POT IS FORBIDDEN ONLY BOILED DISHES. BUT IF ONE SAYS, 'KONAM, IF I TASTE AUGHT THAT DESCENDS INTO A POT', HE IS FORBIDDEN EVERYTHING PREPARED IN A POT.¹⁵

GEMARA. It was taught: He who vows [abstinence] from what goes into a boiling pot, may not eat of what goes into a stew pot, because it has already entered the boiling pot before going into the stew pot; from what goes into a stew pot, he may eat of what goes into a boiling pot; from what is [wholly] prepared in a boiling pot, he may eat of what is prepared in a stew pot; from what is wholly prepared in a boiling pot, he may eat what is [partially] prepared in a stew pot. If he vows [abstinence] from what goes into an oven, only bread is forbidden him. But if he declares, 'Everything made in an oven be forbidden me,' he is forbidden everything that is made in an oven.

1. That it should retain the the wheat.
2. Jast. lit., 'croaking', connecting [H] with [H] the croaking of frogs. Asheri, Rosh and Tosaf: 'in the rounds', perhaps connecting it with [G]

circus. (Goldschmidt). Rash: when she fills my clip.

3. Abomination. Lev. XX, 13, referring to unnatural vice.
4. Thou errest in respect of her, i.e., by forsaking the permitted and indulging in the forbidden.
5. Disgrace. Lev. XVIII, 23, referring to bestiality: E.V.: 'confusion'.
6. Lit., 'different from'. That thou leavest thine own kind for it.
7. Wickedness, Ibid. 17, referring to incest with a wife's daughter.
8. Who is she, i.e., through promiscuous intercourse the parentage is unknown, and thus a father might marry his daughter.
9. Ezek. XLI, 20.
10. Lulianus was a popular corruption of Julianus. V. Sanh. (Sonc. ed.) p. 128 n. 2.
11. Eleasa expended huge sums to have his hair so dressed. Presumably it was a costly process known only to a few experts.
12. That do not improve in cooking [H]. Obermeyer. *op. cit.* pp. 35f., identifies it with *Circesium* on the Euphrates. some 73 parasangs from Pumbeditha on the way to Palestine.
13. V. [Glos.](#)
14. And mayest be sown together with them, v. Deut. XXII, 9, which applies to all diverse species, cf Kil. I, 5. — This Baraita proves that remuzah indicates the place of origin, not the manner of its preparation. Obermeyer a.l. regards [H] as a form of [H] the river Hirmas which rises by Nisibis.
15. This is repeated exactly in VI, 1. From Ran it would appear that it was absent in VI, 1, in his edition its correct place being here. Rashi, on the other hand, comments upon it in both places. It is possible that the words MISHNAH and GEMARA should be deleted, the whole being a quotation from the first Mishnah serving as a caption for the discussion in the Gemara (Marginal Gloss to Wilna ed.). — As to the difference between 'boiled dishes' and 'food prepared in a pot', the first term applies to dishes completely boiled therein, the second to food only partially prepared therein and finished elsewhere.

Nedarim 51b

MISHNAH. [IF HE VOWS ABSTINENCE] FROM THE PRESERVE, HE IS FORBIDDEN ONLY PRESERVED VEGETABLES;¹ [IF HE SAYS, 'KONAM, IF I TASTE PRESERVE', HE IS FORBIDDEN ALL PRESERVES. 'FROM THE SEETHED,' HE IS FORBIDDEN ONLY SEETHED MEAT; 'KONAM, IF I TASTE

NEDORIM – 45b-91b

SEETHED HE IS FORBIDDEN EVERY THING SEETHED.

GEMARA. R. Aha the son of R. Awia asked R. Ashi: If one said, 'That which is preserved,' 'that which is roasted,' 'that which is salted', what do these terms imply?² — This remains a problem.

MISHNAH. [IF ONE VOWS ABSTINENCE] 'FROM THE ROAST,' HE IS FORBIDDEN ONLY ROAST MEAT: THIS IS R. JUDAH'S OPINION. '[KONAM,] IF I TASTE ROAST', HE IS FORBIDDEN [TO PARTAKE] OF ALL FORMS OF ROAST. 'FROM THE SALTED, HE IS FORBIDDEN ONLY SALTED FISH; '[KONAM, IF I TASTED SALTED [FOOD].' HE IS FORBIDDEN [TO PARTAKE] OF EVERYTHING PRESERVED IN SALT. '[KONAM,] IF I TASTE FISH OR FISHES,³ HE IS FORBIDDEN [TO EAT] THEM, BOTH LARGE AND SMALL, SALTED AND UNSALTED, RAW AND COOKED. YET HE MAY EAT HASHED TERITH,⁴ BRINE, AND FISH PICKLE.⁵ HE WHO VOWS [ABSTINENCE] FROM ZAHANAH.⁶ IS FORBIDDEN HASHED TERITH, BUT MAY PARTAKE OF BRINE AND FISH PICKLE. HE WHO VOWS [ABSTINENCE] FROM HASHED TERITH MAY NOT⁷ PARTAKE OF BRINE AND FISH PICKLE.

GEMARA. It was taught: R. Simeon b. Eleazar said: [If he vows] '[Konam. If I taste] fish [day], he is forbidden large ones but permitted small ones '[Konam] if I taste dagah,⁸ he is forbidden small ones, but permitted large ones. '[Konam,] if I taste dag [and] dagah,' he is forbidden both large and small ones. R. Papa said to Abaye: How do we know that '[Konam, If I taste] dag' implies large ones only? because it is written, Now the Lord had prepared a great fish dag] to swallow up Jonah?⁹ But is it not written, Then Jonah prayed onto the Lord his God out of the fish's [dagah] belly?¹⁰ — This is no difficulty: perhaps he was vomited forth by the large fish and swallowed again by a smaller one. But [what of the verse] And the fish [dagah] that

was in the river died?¹¹ did only the small fish die, not the large? — Hence dagah implies both large and small, but in vows human speech is followed.¹²

HE WHO VOWS [ABSTINENCE] FROM ZAHANAH., etc. Rabina asked R. Ashi: What if one says. 'Zihin be forbidden me'?¹³ The problem remains.

MISHNAH. HE WHO VOWS [ABSTINENCE] FROM MILK MAY PARTAKE OF CURD.¹⁴ BUT R. JOSE FORBIDS IT. 'FROM CURD,' HE IS PERMITTED MILK. ABBA SAUL SAID: HE WHO VOWS [TO ABSTAIN] FROM CHEESE, IS INTERDICTED THEREFROM, WHETHER SALTED OR UNSALTED. FROM MEAT,'

1. The use of the def. art. limits the vow to the most common form of preserve.
2. Are they the equivalent of the definite art, and so limited, or not?
3. 'Fish' refers to large ones, 'fishes' to small, which are sold in quantities.
4. A certain fish. This is sold in slices, whereas his vow related to is hole ones only.
5. This is absent from cur. edd., but is inserted by BaH.
6. Mud-fish, small fish preserved in brine, similar to terith (Jast.).
7. This is the reading of Rashi and Asheri. Other editions, likewise Ran, read 'may'.
8. Fem. of dag used in the collective.
9. Jon. II, 1.
10. Ibid. 2, shewing that dagah too refers to large fish.
11. Ex. VII, 21.
12. In general usage, dag refers to large fish, dagah to small.
13. Zihin, a preparation of small fish, is analogous to zahanah. The problem is whether he is allowed brine and fish pickle (muries).
14. Maim: whey.

Nedarim52a

HE MAY PARTAKE OF BROTH AND THE SEDIMENTS OF BOILED MEAT;¹ BUT R. JUDAH FORBIDS THEM]. R. JUDAH SAID: IT ONCE HAPPENED THAT [IN SUCH A CASE] R. TARFON FORBADE US² [EVEN] EGGS BOILED THEREWITH. THEY

NEDORIM – 45b-91b

REPLIED, THAT IS SO, BUT ONLY IF HE VOWS, 'THIS MEAT BE FORBIDDEN ME. FOR IF HE VOWS [TO ABSTAIN] FROM SOMETHING, AND IT IS MIXED UP WITH ANOTHER, IF IT [THE FORBIDDEN FOOD] IS SUFFICIENT TO IMPART ITS TASTE [TO THE OTHER]. IT³ IS FORBIDDEN.⁴ IF HE VOWS [TO ABSTAIN] FROM WINE, HE IS PERMITTED [TO FAT] FOOD WHICH CONTAINS THE TASTE OF WINE; BUT IF HE SAYS, 'KONAM IF I TASTE THIS WINE', AND IT FALLS INTO FOOD, IF IT IS SUFFICIENT TO IMPART ITS TASTE [TO THE FOOD]. IT IS FORBIDDEN.

1. Bits of meat that fall away from the piece in boiling and form a jelly.
2. Ear. Iec. me.
3. That other food.
4. But if one vows abstinence from meat in general, the eggs boiled therewith, likewise the soup and meat sediment, are permitted.

Nedarim 52b

GEMARA. But the following contradicts this. [If one vows abstinence] from lentils, lentil cakes are forbidden him; R. Jose permits them!¹ — There is no difficulty: each Master [rules] according to [the usage] of his locality. In that of the Rabbis, milk is called milk, and curd, curd; but in that of R. Jose, curd too is called curd of milk.

It was taught: He who vows [abstinence] from milk, is permitted curd; from curd, is permitted milk; from milk, is permitted cheese; from cheese, is permitted milk; from broth, is permitted meat sediment; from meat sediment, is permitted broth. If he says, 'This meat be forbidden me,' the meat itself, its broth and its sediment, are forbidden him. If he vows [to abstain] from wine, he may partake of food which contains the taste of wine; but if he says, 'Konam that I taste not this wine,' and it falls into food, if the taste of wine is [perceptible] therein, it is forbidden.

MISHNAH. HE WHO VOWS [ABSTINENCE] FROM GRAPES IS

PERMITTED WINE: FROM OLIVES, IS PERMITTED OIL. IF HE SAYS, KONAM. THAT I TASTE NOT THESE OLIVES AND GRAPES', BOTH THEY AND THEIR JUICE² ARE FORBIDDEN.

GEMARA. Ram b. Hama propounded: Is 'these' essential, or 'that I taste not' essential?³ (But, if you can think that 'these' is essential, why add 'that I taste not'? — He [the Tanna] may teach this [by the addition]: even if he Says. 'that I taste not.' yet only if he declares, 'these' is he prohibited, but not otherwise.) — Raba said. Come and hear: [If one says Konam be these fruits to me,⁴ 'Be they Konam to my mouth,' he is forbidden [to benefit] from what is exchanged for them or what grows of their seeds. This implies that he may benefit from their juice!⁵ — In truth, even their juice is forbidden; but he [the Tanna] prefers to teach that what is exchanged for them is the same as what grows from their seeds.⁶ Come and hear: 'That I eat not or taste not of them,' he is permitted [to benefit] from what is exchanged for them or what grows of their seeds.⁷ This implies that their juice is forbidden!⁸ — Because the first clause does not mention their juice, the second clause omits it too.⁹

Come and hear: R. Judah said: It once happened that [in such a case] R. Tarfon forbade us [even] eggs boiled therewith. They replied, that is so. By only if he vows, 'This meat be forbidden me.' For if he vows [to abstain] from something, and it is mixed up with another, if it [the forbidden food] is sufficient to impart its taste [to the other], it is forbidden!¹⁰ — There is no question about 'these': that is certainly essential.¹¹ The problem is with respect to 'that I taste not': is that essential or not?¹² — Come and hear: ['Konam that I taste not fish or fishes'], he is forbidden [to eat] them, both large and small, salted and unsalted, raw and cooked. Yet he may eat hashed terith and brine!¹³ — Raba said: Providing it [the brine] had already issued from them [before the vow].¹⁴

NEDORIM – 45b-91b

1. *Infra* 53b. Thus R. Jose permits what is made from the forbidden substance, whilst in the Mishnah he declares curd forbidden under the term milk.
2. Lit., 'what comes from them'.
3. Since an ordinary vow does not interdict the juice (If grapes and olives, whilst in the second clause thus is forbidden, the question arises, on account of which particular phrase are they prohibited? Is it because he vowed 'these grapes', or because he added 'that I taste not', superfluous in itself, being implied in Konam, and therefore perhaps extending the vow to oil and wine?
4. *Infra* 57a.
5. Though he said 'these'. This proves that the essential clause in the Mishnah is 'that I taste not'.
6. Though the firmer is an entirely different thing: how much more than that which actually issues therefrom!
7. This continues the quotation.
8. For, according to the last answer, this is more likely to be forbidden than the others. Hence, were this permitted, it would be explicitly stated. This too proves that the essential clause is 'that I taste not'.
9. For the sake of uniformity. But actually it may be permitted.
10. This definitely proves that 'this' is essential.
11. I.e., it is certain that 'these' alone extends the vow as indicated.
12. Is that phrase alone sufficient to extend its scope?
13. Brine is the juice that issues from the fish, yet it is permitted, though he said, 'that I taste not'. This proves that that alone is insufficient.
14. But the brine which issues thereafter may be forbidden: hence the problem remains.

Nedarim53a

MISHNAH. HE WHO VOWS [ABSTINENCE] FROM DATES IS PERMITTED DATE HONEY; FROM WINTER GRAPES,¹ HE IS PERMITTED VINEGAR MADE FROM WINTER GRAPES — R. JUDAH B. BATHYRA SAID: IF IT BEARS THE NAME OF ITS ORIGIN,² AND HE VOWS [TO ABSTAIN] FROM IT,³ HE IS FORBIDDEN [TO BENEFIT] FROM WHAT COMES FROM IT. BUT THE SAGES PERMIT IT.

GEMARA. But the Sages are identical with the first Tanna? — They differ in respect of the

following which was taught: R. Simeon b. Eleazar laid down this general rule: Whatever is eaten itself, and what comes from it too is eaten, e.g., dates and the honey of dates, and he vowed [abstinence] from the substance itself, he is forbidden that which comes from it;⁴ but if he vows [abstinence] from what comes from it, he is also forbidden the substance itself.⁵ But if the substance is not eaten itself, whilst what comes from it is,⁶ and he vowed [abstinence] from the substance itself, he is forbidden only what comes from it,⁷ because he meant nought else but what comes from it.⁸

MISHNAH. HE WHO VOWS [ABSTINENCE] FROM WINE MAY PARTAKE OF APPLE-WINE [CIDER]; FROM OIL HE IS PERMITTED SESAME OIL;⁹ FROM HONEY, HE IS PERMITTED DATE HONEY; FROM VINEGAR, HE IS PERMITTED THE VINEGAR OF WINTER GRAPES; FROM LEEKS, HE IS PERMITTED PORRET;¹⁰ FROM VEGETABLES, HE IS PERMITTED FIELD HERBS,¹¹ BECAUSE IT IS A QUALIFYING EPITHET.¹²

GEMARA. It was taught: He who vows [to abstain] from oil: to Palestine sesame oil is permitted him, but he is forbidden olive oil; in Babylon, he is forbidden sesame oil but permitted olive oil. In the place where they are both commonly used, both are forbidden. But that is obvious? — It is necessary to teach it only when most people use one: I might think that the majority must be followed. We are therefore taught that a doubtful prohibition is [resolved] stringently.¹³

He who vows [abstinence] from vegetables, in normal years is forbidden garden vegetables but permitted wild vegetables; in the seventh year. He is forbidden wild vegetables but permitted garden vegetables.¹⁴ R. Abbahu said on the authority of R. Hanina b. Gamaliel:

1. [H] < [H] winter, remaining on the tree till winter.
2. As here, the vinegar being called 'winter grapes vinegar'.

NEDORIM – 45b-91b

3. Sc. the article of its origin, i.e., winter grapes.
4. T. J. has 'permitted', which Wilna Gaon regards as correct.
5. V. preceding note.
6. E.g winter grapes.
7. If the substance is foresworn.
8. The first Tanna, who rules that vinegar of winter grapes is permitted, disagrees with R. Simeon b. Eleazar, whilst the Sages agree with him. Hence, 'the Sages permit it', refers to the substance itself, when not usually eaten, but not to what comes from it
9. [H] (pl. [H]) probably fr. [H] (sun-flower), sesame.
10. [H] pl. [H] ([G]), is a species of leek with a head (porrum capitatum).
11. Wild vegetables.
12. The reason of all these is that is where a qualifying epithet is normally added to the name of the substance it is not included in the unspecified term: thus, in speaking of wine (unspecified), grape wine is meant, not apple wine: and so the rest.
13. Consequently, though a particular oil is used by a minority only, yet if its usage is sufficiently prevalent to warrant the assumption that the vow may have been meant to include it, it is forbidden.
14. Since none are planted then, by the unspecified term wild vegetables are meant.

Nedarim 53b

This was taught only where vegetables are not imported into Palestine from abroad;¹ but where they are imported into Palestine from abroad, [garden vegetables] are forbidden. This is dependent on Tannaim: Vegetables may not be imported from abroad into Palestine; R. Hanina b. Gamaliel said: We may import them. What is the reason of him who prohibits it? — R. Jeremiah said: On account of the clods of earth.²

MISHNAH. [HE WHO VOWS TO ABSTAIN] FROM CABBAGE IS FORBIDDEN ASPARAGUS;³ FROM ASPARAGUS, HE IS PERMITTED CABBAGE;⁴ FROM POUNDED BEANS, HE IS FORBIDDEN MIKPEH;⁵ R. JOSE PERMITS IT. [IF ONE VOWS TO ABSTAIN] FROM MIKPEH, HE IS FORBIDDEN GARLIC. R. JOSE PERMITS IT; FROM GARLIC, HE IS PERMITTED MIKPEH. FROM LENTILS, LENTIL CAKES ARE FORBIDDEN HIM. R.

JOSE PERMITS THEM. FROM LENTIL CAKES, LENTILS ARE PERMITTED HIM. [IF ONE SAYS] 'KONAM, IF I TASTE HITTAH, HITTIN',⁶ BOTH THE FLOUR THEREOF AND THE [BAKED] BREAD ARE FORBIDDEN TO HIM: IF I TASTE GERIS, GERISSIN',⁷ HE IS FORBIDDEN [TO PARTAKE] OF THEM WHETHER RAW OR COOKED. R. JUDAH SAID: [IF ONE DECLARES], 'KONAM, IF I TASTE HITTAH OR GERIS,' HE MAY CHEW THEM RAW.

GEMARA. It was taught: R. Simeon b. Gamaliel said: [If one vows 'Konam,] if I taste hittah [wheat]', baked wheat [i.e., flour] is forbidden him, but he may chew it raw; '[Konam,] if I taste hittin',⁸ he may not chew them raw, but if baked, they are permitted;² 'If I taste hittah, hittin', he may neither eat them baked nor chew them raw. [If he says. 'Konam,] if I taste geris', it is forbidden cooked, but may be chewed [raw]; '[Konam,] if I taste gerrissin', he is forbidden either to cook them or chew them raw.

1. Lit., 'outside the Land (of Israel)'.
2. Which may adhere to the roots when they are brought: these clods were considered unclean, v. Shab. 15b.
3. Being considered a species of the genus 'cabbage' (Jast.).
4. The part is included in the whole, but the whole is not included in the part.
5. A stiff mass of oil, grist, and onions (Jast.).
6. hittah, a grain of wheat, also (generically) wheat; pl. hittim (in popular speech the Aramaic plural hittin, was used).
7. Geris, a pounded bean, also used collectively: pl. gerissim.
8. Wheat, but plural in form.
9. Such are the respective meanings assigned in common speech to hittah and hittin: the same difference occurs in geris and gerissin.

Nedarim54a

CHAPTER VII

MISHNAH. HE WHO VOWS [TO ABSTAIN] FROM VEGETABLES IS PERMITTED GOURDS. R. AKIBA FORBIDS THEM. THE [SAGES] SAID TO HIM, BUT WHEN A

NEDORIM – 45b-91b

MAN SAYS TO HIS AGENT 'FETCH ME VEGETABLES, HE REPLIES, I COULD OBTAIN ONLY GOURDS. HE ANSWERED, EXACTLY: BUT WOULD HE SAY, 'I COULD OBTAIN ONLY PULSE?'¹ BUT THAT GOURDS ARE INCLUDED IN VEGETABLES, WHILST PULSE IS [DEFINITELY] NOT. HE IS [ALSO] FORBIDDEN FRESH EGYPTIAN BEANS. BUT PERMITTED THE DRY SPECIES].²

GEMARA. HE WHO VOWS [TO ABSTAIN] FROM VEGETABLES, etc. But he vowed [to abstain] from vegetables!³ — Said 'Ulla: This refers to one who vows. 'The vegetables of the pot [be forbidden] to me.'⁴ But perhaps he meant vegetables which are eaten [with food cooked] in a pot?⁵ — He said: 'Vegetables that are cooked in a pot [he forbidden] to me.'⁶

Wherein do they differ? — The Rabbis maintain: Whatever an agent must inquire about does not belong to the same species;⁷ but R. Akiba maintains, Whatever the agent needs inquire about is of the same species.⁸ Abaye said: R. Akiba admits in respect to punishment that he is not flagellated.⁹

We learnt elsewhere: If the agent carried out his commission, the principal¹⁰ is guilty of a trespass; if he did not carry out his commission, he himself is guilty of a trespass.¹¹ With which Tanna does this agree? R. Hisda said: Our Mishnah does not agree with R. Akiba. For we learnt:¹² Thus, if he said to him, 'Give the guests meat, and he gave them liver; '[give them] liver,' and he gave them meat, the agent is guilty of a trespass.¹³ But if this agrees with R. Akiba: did he not say. Whatever an agent must inquire about, belongs to that species? In that case, the principal, and not the agent, should be liable to a trespass-[offering]?¹⁴ Abaye said, This may agree even with R. Akiba:

1. If only pulse were obtainable, he would simply report that vegetables were unobtainable.
2. These are two different species, the fresh regarded as a vegetable, the dry a cereal, because it is ground into flour.
3. Which gourds are certainly not.

4. And since gourds are boiled in pots, R. Akiba maintains that they are included.
5. E.g., onions, which are put in a pot for seasoning.
6. This most refer to something prepared for itself, and not mere seasoning.
7. A servant, being told to buy vegetables and finding only gourds, would ask his master whether these would do.
8. For if not, he would reject them immediately.
9. For eating them. Though he forbids them, it is not certain that they are vegetables.
10. Lit., 'householder'.
11. V. Me'il, 20a. The reference is to Hekdesh (q.v. [Glos.](#)), which must not be appropriated for secular use; if it is (unwittingly), a trespass-offering must be brought, v. Lev. V, 14. Now, if one instructs his agent to do this, and his instructions are exactly carried out, he is responsible; if not, the agent is held to have acted of his own accord and is himself responsible.
12. Continuing the Mishnah quoted.
13. It should be observed that by offering this Hekdesh to the guests the agent has already misappropriated it by withdrawing it from sacred to secular ownership. The sacrifice is due for that withdrawal; hence when the guests eat it. It is no longer sacred, and no obligation rests upon them.
14. For if one is sent to buy meat and finds only liver, he should certainly consult his master about it. Therefore, if the servant gave liver when ordered to give meat, on R. Akiba's view he carried out his master's instructions.

Nedarim 54b

does not R. Akiba admit that he must consult [his principal]?¹ When this discussion was repeated before Raba, he remarked, Nahmani hath said well.²

Which Tanna disagrees with R. Akiba? — R. Simeon b. Gamaliel. For it was taught: He who vows [to abstain] from meat, is forbidden every kind of meat; he is also forbidden the head, feet, windpipe, liver, heart, and fowl; but he is permitted the flesh of fish and locusts. R. Simeon b. Gamaliel said: He who vows [to abstain] from meat is forbidden every kind of meat, but permitted the head, feet, windpipe, liver, heart and fowl, and it is superfluous to mention the flesh of fish and locusts.³ And thus R. Simeon b. Gamaliel used to say: The entrails are not meat, and he who eats them is

NEDORIM – 45b-91b

no man. In respect of what is this said?⁴ [To teach that] he who eats them as meat is no man in respect of purchase.⁵

Why does the first Tanna declare fowl forbidden? Because the agent is wont to inquire about it! But the same applies to flesh of fish in regard to which the agent too, if he can obtain no meat, consults [his master] saying. 'If I cannot obtain meat, shall I bring fish?' Hence it should be forbidden? — Said Abaye: This refers to one who was bled [just before his vow] who [consequently] would not eat fish.⁶ If so he would not eat fowl either, for Samuel said: If one is bled, and then eats fowl, his heart will palpitate like a fowl's. And it was taught: One must not be bled and eat fish, fowl, or pickled meat. And it was taught: If one is bled, he must not eat milk, cheese, eggs, cress owl, or pickled meat! — Fowl is different, because it may be eaten after being thoroughly boiled. Abaye [also] said:² It refers to one whose eyes ache, fish being injurious to the eyes. If so, he should eat fish, for Samuel said, Nun, Samek, 'Ayin⁸ [read] Nuna [fish] sama [are a healing] la-'enayim [to the eyes]! — That is at the end of the illness.²

1. Though maintaining that it is of the same species, R. Akiba agrees that a servant should not take meat when ordered to get liver without further instructions. Consequently his action is regarded as his own.
2. Abaye was an orphan brought up in the house of Rabbah b. Nahmani, who called him by the name of his father, v. Git. (Sonc. ed.) p. 240, n. 6.
3. Thus he maintains that liver is not included in meat, and so differs from R. Akiba.
4. Thus the reading as emended by Hart. Since R. Simeon does not exclude the entrails from the things forbidden, in what respect are they not meat?
5. I.e., If one likes them as much as other meat and is prepared to pay the same price, he is regarded as irrational (Rashi). Tosaf. in Meil. 20b s v. [H] explains this: If one buys an animal and finds that the entrails are unfit for food, he cannot demand that the sale be nullified in that account, since they are not meant for human consumption.
6. It was considered unhealthy to eat fish after being bled. Since then he would not have eaten

fish in any case, his vow was not directed against it.

7. 'Also' must be added if this reading be retained, since the first answer was also Abaye's. In Me'il. *loc. cit.*, however, the reading is 'R. Papa'.
8. Three letters of the Hebrew alphabet in order.
9. When the eyes are recovering, fish is beneficial, but at the beginning of the ailment of fish is injurious.

Nedarim55a

MISHNAH. HE WHO VOWS [TO ABSTAIN] FROM DAGAN [GRAIN] IS FORBIDDEN DRY EGYPTIAN BEANS: THIS IS R. MEIR'S VIEW, BUT THE SAGES SAY: ONLY THE FIVE PIECES ARE FORBIDDEN HIM.¹ R. MEIR SAID: IF HE VOWS [TO ABSTAIN] FROM TEBU'AH,² HE IS FORBIDDEN ONLY THE FIVE SPECIES; BUT ONE WHO VOWS [ABSTINENCE] FROM DAGAN, IS FORBIDDEN ALL; YET HE IS PERMITTED THE FRUITS OF THE TREE AND VEGETABLES.

GEMARA. Shall we say that DAGAN implies anything that can be heaped up?³ To this R. Joseph objected: And as soon as the commandment came abroad, the children of Israel brought in abundance the first-fruits of corn [dagan] wine and oil, and honey, and of all the increase of the field; and the tithe of all things brought they in abundantly.⁴ But should you say that DAGAN implies everything that can be heaped up, what is meant by, And as soon as the commandment came abroad they brought in abundance?⁵ — Abaye answered: It is to include the fruits of the tree and vegetables.

R. MEIR SAID: IF ONE VOWS [TO ABSTAIN] FROM TEBU'AH, etc. R. Johanan said: All agree that if one vows [to abstain] from tebu'ah, the five species only are forbidden to him. It was taught likewise: And both⁶ agree that if one vows [abstinence] from tebu'ah, only the five species are forbidden. But that is obvious? — Tonight argue, tebu'ah implies everything: therefore he teaches that it

NEDORIM – 45b-91b

does not imply everything. R. Joseph objected: And as soon as the commandment came abroad, they brought in abundance, etc.⁷ — Raba answered: Tebu'ah is one thing: tebu'ath sadeh is another.⁸

The Son of Mar Samuel ordered that thirteen thousand *zuz* worth of 'allalta² from Nehar Pania¹⁰ should be given to Raba. So Raba sent [an enquiry] to R. Joseph: what is meant by 'allalta? — R. Joseph replied, It is [taught in] a Baraitha: And all agree that if he vows [abstinence] from tebu'ah, the five species only are forbidden him. Said Abaye to him. How compare? Tebu'ah implies only the five species, [whereas] 'allalta implies everything. When this was repeated before Raba, he observed, I am in no doubt that 'allalta means everything. My problem is this: What of the rent of houses and the hire of ships? Shall We say, Since they depreciate, they are not included in 'allalta,' or perhaps since the depreciation is imperceptible they [too] are termed 'allalta?¹¹ The scholars narrated this to R. Joseph, 'Since he does not need us!' he exclaimed, 'why did he send to us?' And so R. Joseph was annoyed. When Raba learnt this, he went before him on the eve of the Day of Atonement, and found his attendant mixing him a cup of wine.¹² 'Let me prepare it for him,' said he. So he gave it to him, and he mixed the cup of wine. On drinking it he observed, 'This mixture is like that of Raba the son of R. Joseph b. Hama. 'It is indeed he,' was his reply. He then said to him, 'Do not take your seat¹³ until you have explained this verse to me. [Viz.,] What is meant by, 'And from the wilderness, Mattanah; and from Mattanah, Nahaliel; and from Nahaliel, Bamoth'¹⁴ — He replied, When one makes himself as the wilderness, which is free to all,¹⁵ the Torah is presented to

in from the field', is wider in scope, and applies to everything brought in from the field, even fruit and vegetables. him as a gift [mattanah] as it is written, 'And from the wilderness, Mattanah'. And once he has it as a gift, God gives it to him as an inheritance [nahaliel],¹⁶ as it is written, 'And from

Mattanah, Nahaliel;' And when God gives it him as an inheritance, he ascends to greatness' as it is written, 'And from Nahaliel, Bamoth [heights]'. But if he exalts himself, the Holy One, blessed be He, casts him down, as it is written, 'And from Bamoth, the valley'.¹⁷ Moreover, he is made to sink¹⁸ into the earth, as it is written, Which is pressed down¹⁹ into the desolate soil. But should he repent, the Holy One, blessed be He, will raise him again,

1. Viz., Wheat, barley, rye, oats, and spell.
2. Field produce.
3. Heb. midgan: this being the reason that R. Meir forbids dry Egyptian beans under the term DAGAN.
4. II Chron. XXXI, 5: The emphasis laid upon the abundance of their offering implies that they brought more tithes than required by Biblical law.
5. Since they were obliged to tithe DAGAN by Biblical law, and DAGAN includes all things that can be heaped up, what did they add to the Biblical ordinance? (Rashi). Asheri explains: since DAGAN includes all things that can be heaped up, what else be implied by the phrase 'and all the increase of the field'?
6. R. Meir and the Sages.
7. 'And all the increase of the field' (tebu'ath sadeh) is not confined there to the five species only (Rashi). Tosaf. remarks: And Abaye has already interpreted it as referring to vegetables and fruit.
8. I.e. tebu'ah does mean the five species only: but tehu'ath sadeh, lit., 'that which is brought
9. 'Allalta, connected with Heb. [H] (cf. Lam. I, 22: and do unto them, as thou has done unto me [H]) denotes that which is produced (in the fields), and is the Aramaic equivalent of tebu'ah.
10. [Harpania, a rich agricultural town in the Mesene district S. of Babylon situated on a hill and canal. Obermeyer (op. cit.) p. 198ff.]
11. 'Allalta, perhaps derived by popular etymology from [H] to enter, to come in (as revenue), applies to that which appreciates, not depreciates. viz., field produce, which from the time of sowing until it is ready for food appreciates in value. Once ready, it cannot depreciate as food, whereas a house, even when still fit for its purpose, continuously depreciates.
12. Wine was not drunk raw, but had to be diluted with water.
13. Lit., 'sit on your legs'. V. *Nazir* (Sonc. ed.) p. 87, n. 7.
14. Num. XXI, 19f.
15. I.e., is prepared truly to teach the Torah to all.

NEDORIM – 45b-91b

16. I.e., it becomes his safe possession.
17. From the heights he is hurled down into the valley.
18. *Var. lec.* pressed down — [H] — which has a more obvious connection with the verse adduced.
19. [H] E.V. 'which looketh', is here connected with [H] to strike (down).

Nedarim 55b

as it is written, Every valley shall be exalted.¹

It was taught: He who vows [to abstain] from dagan is also forbidden dry Egyptian beans; yet moist ones are permitted. He is also permitted rice, grist, groats and pearl-barley. He who vows [to abstain] from the fruits of that year, is forbidden all the fruit of that year, but is permitted goats, lambs, milk, eggs, and fledglings [of that year].² But if he vows, 'The growths of this year [be forbidden] to me,' all these are forbidden. He who vows [abstinence] from the fruits of the earth is forbidden all the fruits of the earth, yet is permitted mushrooms and truffles; but if he vows, 'that which grows from the earth [be forbidden] to me,' all these are forbidden him. But this contradicts the following: For that which does not grow from the earth, one must recite the benediction, 'by whose word all things exist.'³ And it was taught: For salt, brine mushrooms, and truffles, 'by whose word all things exist' is said!⁴ — Abaye answered, They do indeed grow out of the earth, but draw their sustenance from the air,⁵ and not from the earth. But he [the Tanna] states: For that which does not grow out of the earth?⁶ — Read: For that which does not draw its sustenance from the earth.⁷

MISHNAH. HE WHO VOWS [NOT TO BENEFIT] FROM GARMENTS IS PERMITTED SACK-CLOTH,⁸ CURTAIN,⁹ AND BLANKET WRAPPING. IF HE SAYS, 'KONAM, IF WOOL COMES UPON ME,' HE MAY COVER HIMSELF WITH WOOL FLEECES;¹⁰ [KONAM] IF FLAX COMES UPON ME', HE MAY COVER HIMSELF WITH FLAX BUNDLES.¹¹ R. JUDAH SAID: IT ALL DEPENDS UPON THE PERSON

WHO VOWS, [THUS:] IF HE IS LADEN [WITH WOOL OR FLAX] AND PERSPIRES AND HIS ODOUR IS OPPRESSIVE, AND HE VOWS 'KONAM' IF WOOL OR FLAX COME UPON ME,' HE MAY WEAR THEM, BUT NOT THROW THEM [AS A BUNDLE] OVER HIS BACK.¹²

GEMARA. It was taught: He who vows [not to benefit] from garments is permitted sack-cloth, curtain, and blanket wrapping. But he is forbidden a belt,¹³ fascia,¹⁴ scortea, a leather spread, shoes,¹⁵ knee breeches and a hat. What is a scortea? — Rabbah b. But Huna said: a leather coat.

It was taught: One may go out [on the Sabbath] wearing a thick sack-cloth, a coarse blanket, a curtain, and a blanket wrap, to keep off the rain;¹⁶ but not with a box, basket¹⁷ or matting for the same purpose. Shepherds may go out with sacks;¹⁸ not only shepherds, but all men, but that the Sages spoke of what is usual.

R. JUDAH SAID, IT ALL DEPENDS UPON THE PERSON WHO VOWED, etc. It was taught: How did R. Judah say, it all depends upon the person who vows? If he is wearing wool, and he is irritated and he vows 'Konam, if wool comes upon me,' he is forbidden to wear, but permitted to carry it; if he is laden with flax and perspires and vows, 'Konam, if flax comes upon me, he may wear but must not carry it.

1. Isa. XL, 4.
2. Though metaphorically they too might be regarded as the fruits of the year, the vow must be understood literally.
3. This deals with the blessings to be recited before partaking of food or drink.
4. The combination of these two statements proves that mushrooms and truffles are not earth-grown, and thus contradicts the ruling that a vow to abstain from what grows from the earth includes them.
5. Therefore they are included in the vow, 'growths of the earth'; yet since their sustenance is drawn chiefly from the air, they are not regarded as earth grown in respect of a benediction.
6. Whilst according to Abaye they do.

NEDORIM – 45b-91b

7. This is hardly an emendation, but rather an interpretation; cf. p. 3, n. 2.
8. [Of goats-hair, v. Kel. XXVII, 1.]
9. Some kind of rough, ready garment, which was not a garment proper.
10. Because the vow implies garments which can be worn.
11. [H] flax — stalks after they are soaked, beaten and baked (Jast.).
12. For in the circumstances it is evident that his vow referred to it as a load, not as a garment.
13. The [H] was a hollow belt used as a pouch.
14. A band or sash; Lat. fascia.
15. The word is the plural of [G], *impilia* (pair of) felt shoes (Jast.).
16. These, though not actually garments, are nevertheless counted as such, and hence permissible on the Sabbath.
17. Placed over the head to ward off the rains.
18. In the first clause, 'sack-cloth' would seem to refer to a rough garment; in the second, 'sacks' is probably to be understood literally, put over one's head to ward off the rain.

Nedarim56a

MISHNAH. ONE WHO VOWS [NOT TO BENEFIT] FROM A HOUSE IS PERMITTED THE UPPER STOREY:¹ THIS IS R. MEIR'S VIEW. BUT THE SAGES SAY: THE UPPER STOREY IS INCLUDED IN 'HOUSE'. HE WHO VOWS [NOT TO HAVE THE USE OF] THE UPPER STOREY IS PERMITTED [THE USE OF] THE HOUSE.

GEMARA. Which Tanna taught: [And I put a plague of leprosy] in a house [of the land of your possession]:² this includes the side-chambers;³ 'in a house', this includes the upper storey? — R. Hisda said, It is R. Meir's teaching. For if the Rabbis', why require 'in a house' to include the upper storey, since they say that an upper storey is an integral part of the house? Abaye said, it may agree even with the Rabbis, yet a verse is necessary. For you might think, [since] it is written, 'in a house of the land of your possession': that which is [directly] attached to the land⁴ is called 'house', but the upper storey, not being attached to the land, [is not called 'house']. With whom does the following dictum of R. Huna b. Hiyya in 'Ulla's name agree? Viz., [If one says,] I sell you a house⁵ within my house,' he can offer him an upper storey. Hence it is

only because he says, 'I sell you a house within my house';⁶ but in the case of 'house' without definition he cannot offer him the upper storey. Shall we say, It agrees with R. Meir? — You may even say, It agrees with the Rabbis: by 'aliyyah, the best⁷ of his houses is meant.⁸

MISHNAH. ONE WHO VOWS [ABSTINENCE] FROM A BED IS PERMITTED DARGESH:² THIS IS R. MEIR'S VIEW. BUT THE SAGES SAY: DARGESH IS INCLUDED IN 'BED'. IF HE VOWS [ABSTINENCE] FROM A DARGESH, HE IS ALLOWED [THE USE OF] A BED.

GEMARA. What is dargesh? — 'Ulla said: A bed reserved for the domestic genius.¹⁰ Said the Rabbis to 'Ulla: But we learnt, When he [sc. the High Priest] was given the mourner's meal,¹¹ all the people sat on the ground, whilst he reclined on the dargesh. Now, in normal times¹² he does not sit upon it, yet on that day he does! Rabina demurred to this: Let it be analogous to meat and wine, of which at other times¹² he partakes or not, as he pleases, whereas on that day we give them to him?¹³ But this is the difficulty. for it was taught: The dargesh was not lowered¹⁴ but stood up [on its legs]. Now if you say that it is the bed of the domestic genius, has it not been taught: He who lowers his bed, lowers not merely his own bed [as mourner], but all the beds of the house? — This is no difficulty:

1. These were quite distinct, often belonging to separate owners; cf. B.M. 116b.
2. Lev. XIV, 34.
3. [H], V. B.B. 61a. So curr edd. Ran and Wilna Gaon emend it to [H] painted walls, because side chambers are excluded in the Sifra from the laws of leprosy, and the teaching is that even these are subject to the laws of house leprosy. This is necessary, because leprosy in garments only applies to undyed materials. — Neg. XI, 3.
4. This soil.
5. [[H] may mean either an apartment or a whole house, v. B.B. (Sonc. ed.) p. 247. n. 6.]
6. 'Apartment'.
7. [H] fr. [H], lit., 'the highest'.
8. I.e., the purchaser can demand the best of his houses, the phrase in Hebrew [H] denoting the

NEDORIM – 45b-91b

superlative. But if he simply sold him a [H] he could give him an upper storey.

9. V. Gemara.
10. I.e., one not put to any use, but to bring good luck to the house.
11. The first meal eaten by mourners after the funeral was called the [H] meal of comfort or restoration, v. Sanh. 20a.
12. Lit., 'the whole year'.
13. [On the wine drunk at the house of the mourner, v. Keth. 8a. There is however no law stated anywhere else that meat had to form part of the mourner's meal of comfort. The only reference in Sem. XIV speaks merely of a local custom (cf. Tur Yoreh De'ah, 282). It should however be noted that the parallel passages (Sanh. 20a and M.K. 57a) read: 'Let it be analogous to eating and drinking', and this is also the reading of MS.M. here.]
14. As is the rule with all other stools and beds in a house of mourning.

Nedarim 56b

for it may be similar to the trestle¹ reserved for utensils. For it was taught, If there was a trestle reserved for utensils [in the house], he need not lower it. But if there is a difficulty, it is this: For it was taught: R. Simeon b. Gamaliel said: As for the dargesh, its thongs are untied and it automatically collapses;² but if the dargesh is the bed of the domestic genius, has it then thongs? When Rabin came,³ he said, I consulted one of the scholars named R. Tahlifa b. Tahlifa of the West,⁴ who frequented the leather-workers' market, and he told me, What is dargesh.? A leather bed.⁵ It has been stated: What is a mittah, and what a dargesh? — R. Jeremiah said, [In] a mittah [a bedstead] the strapwork is drawn on top; a dargesh has the strapwork inside.⁶

An objection is raised: From when are wooden articles ready to receive uncleanness?⁷ A mittah and a cradle from when they are smoothed [by being rubbed] with fish skin.⁸ Now if the mittah has its strapwork drawn up on top, why must it be smoothed with fish skin?² But both [the mittah and the dargesh] have their strappings drawn inside: a mittah has its straps drawn in and on through slits [in the boards]; those of a dargesh go in and on through loops.

R. Jacob b. Aha said in Rabbi's name: A mittah whose poles¹⁰ protrude [downwards]¹¹ is set up [on its side], and that is sufficient.¹² R. Jacob b. Idi said in R. Joshua b. Levi's name: The *Halachah* is as R. Simeon b. Gamaliel.¹³

MISHNAH. ONE WHO VOWS [NOT TO BENEFIT] FROM A TOWN, MAY ENTER THE TOWN TEHUM:¹⁴ BUT MAY NOT ENTER ITS OUTSKIRTS.¹⁵ BUT ONE WHO VOWS [ABSTINENCE] FROM A HOUSE, IS FORBIDDEN FROM THE DOOR-STOP¹⁶ AND WITHIN.

GEMARA. Whence do we know that the outskirts of a town are as the town itself? — R. Johanan said, Because it is written, and it came to pass, when Joshua was in Jericho, etc.¹⁷ Now, what is meant by 'in Jericho'? Shall we say, actually in Jericho: but is it not written. Now Jericho was straitly shut up because of the children of Israel?¹⁸ Hence it must mean in its outskirts.¹⁹ Then say that it means even in the tehum?²⁰ — But with respect to the tehum it is written, And ye shall measure without the city [in the east side two thousand cubits, etc.].²¹

BUT ONE WHO VOWS [ABSTINENCE] FROM A HOUSE IS FORBIDDEN FROM THE DOOR-STOP AND WITHIN. But not from the door-stop and without.²² R. Mari objected: Then the priest shall go out of the house;²³ I might think that he goes home and then has it probably of the width. To these a cross-piece was attached, the whole forming a frame over which a net or curtain was slung. shut up; therefore it is taught, to the door of the house.²⁴ If [I had only to go by] 'to the door of the house,' I might think that he stands under the lintel and closes it; therefore, it is written, ['Then the priest shall go] out of the house', implying that he must go right out of it — How so? He must stand at the side of the lintel and close it. Yet how do we know that if he goes home and has it closed, or stands under the lintel and shuts it, that it is validly shut? From the verse, And shut up the house,²⁵ implying no matter how it be done.²⁶ — In the case of the [leprous] house it is different,

NEDORIM – 45b-91b

because it is written 'out of the house', implying that he must go right out of the house.

1. [H], lit., 'bed'; this trestle must have been similar in shape to a bed.
2. This too refers to a house of mourning.
3. From Palestine.
4. The Palestinian.
5. Its strapping consisted of leather instead of ropes. Not being supported by long legs it stood very low. For this reason it is disputed in the Mishnah whether it is included in bed or not, and also whether it needs lowering during mourning. v. Sanh. (Sonc. ed.) p. 107, n. 1.
6. The straps are attached on the inside through slits in the frame.
7. An article cannot become unclean unless it is completely finished for rise.
8. To polish the surface, v. Kel. XXI, 1.
9. By the mittah the bedstead itself, i.e., the framework, is understood. If this framework is always overlaid with straps; why need it be smoothed at all?
10. [H], two poles fixed at the head and foot of the bedstead, in the centre
11. I.e., below the level of the bedding to the space underneath.
12. The reference is to a house of mourning. Such a bed, if actually lowered, may appear to be standing in its usual position, since then the poles protrude upwards.
13. That the thongs of a dargesh must be untied in a house of mourning.
14. A distance of two thousand cubits right round the town boundaries.
15. $70 \frac{2}{3}$ cubits from the town borders. The two thousand cubits which is the permitted journey outside the town on the Sabbath, are calculated from the outer edge of these $70 \frac{2}{3}$ cubits, v. 'Er. 52b.
16. The moulding of the door frame against which the door shuts.
17. Josh. V, 13.
18. Ibid. VI, 1.
19. Which are referred to as the town itself.
20. Perhaps Joshua was stationed within the tehum of Jericho which is spoken of as 'in Jericho'.
21. Num. XXXV. 5.
22. I.e., the steps or threshold up to the doorstep are permitted.
23. Lev. XIV, 38. The priest, after inspecting the leprous house for the first time, was to go out and have it sealed up for a week.
24. Lev. XIV, 38.
25. Ibid.
26. Now, when one is outside the lintel, he is also, of course, outside the door-stop: yet he is not regarded here as being right out of the house,

thus contradicting the implication of the Mishnah that without the door-stop is not part of the house.

Nedarim57a

MISHNAH. [IF A MAN SAYS]. 'KONAM BE THESE FRUITS TO ME, BE THEY KONAM FOR MY MOUTH,' OR 'BE THEY KONAM TO MY MOUTH,' HE IS FORBIDDEN [TO BENEFIT] FROM WHAT IS EXCHANGED FOR THEM OR WHAT GROWS FROM THEM. [IF HE SAYS KONAM] IF I EAT OR TASTE OF THEM, HE IS PERMITTED [TO BENEFIT] FROM WHAT IS EXCHANGED FOR THEM OR WHAT GROWS OF THEM, [THAT IS] IN A THING OF WHICH THE SEED ITSELF PERISHES: BUT IF THE SEED DOES NOT PERISH,¹ EVEN THAT WHICH GROWS OUT OF THAT WHICH [FIRST] GREW FROM IT IS FORBIDDEN. IF HE SAYS TO HIS WIFE, 'KONAM BE THE WORK OF YOUR HANDS TO ME,' 'KONAM BE THEY FOR MY MOUTH, OR 'KONAM BE THEY TO MY MOUTH':² HE IS FORBIDDEN THAT WHICH IS EXCHANGED FOR THEM OR GROWN FROM THEM. [IF HE SAID, KONAM] IF I EAT OR TASTE [THEREOF]. HE IS PERMITTED WHAT IS EXCHANGED FOR THEM OR WHAT IS GROWN FROM THEM, THAT IS IN A THING OF WHICH PERISHES THE SEED ITSELF, BUT IF THE SEED DOES PERISH, EVEN THAT WHICH GROWS OUT OF THAT WHICH [FIRST] GREW FROM IT IS FORBIDDEN. [IF HE SAYS TO HIS WIFE, 'KONAM THAT] WHAT YOU WILL PRODUCE I WILL NOT EAT THEREOF UNTIL PASSOVER' OR 'THAT WHAT YOU WILL PRODUCE, I WILL NOT WEAR UNTIL PASSOVER', HE MAY EAT OR WEAR AFTER PASSOVER OF WHAT SHE PRODUCES BEFORE PASSOVER. '[THAT] WHAT YOU PRODUCE UNTIL PASSOVER I WILL NOT EAT', OR '[THAT] WHAT YOU PRODUCE UNTIL PASSOVER I WILL NOT WEAR', HE MAY NOT EAT OR WEAR AFTER PASSOVER WHAT SHE PRODUCES BEFORE PASSOVER.³ [IF HE

NEDORIM – 45b-91b

SAYS, KONAM] BE ANY BENEFIT YOU HAVE FROM ME UNTIL PASSOVER, IF YOU GO TO YOUR FATHER'S HOUSE UNTIL THE FESTIVAL⁴ IF SHE GOES BEFORE PASSOVER SHE MAY NOT BENEFIT FROM HIM UNTIL PASSOVER:

1. E.g., garlic or onions; these, when placed in the soil, do not rot away, but grow so that their growths always contain part of the original.
2. And she was paid by means of agricultural produce.
3. The reference is to her earnings in general, which he may not expend on food or clothing.
4. [H] where unspecified denotes generally the Festival of Succoth, cf. I Kings VIII, 2.

Nedarim 57b

IF SHE GOES AFTER PASSOVER¹ SHE IS SUBJECT TO, HE SHALL NOT BREAK HIS WORD.² ['KONAM] BE ANY BENEFIT YOU HAVE FROM ME UNTIL THE FESTIVAL IF YOU GO TO YOUR FATHER'S HOUSE BEFORE PASSOVER', IF SHE GOES BEFORE PASSOVER, SHE MAY NOT BENEFIT FROM HIM UNTIL THE FESTIVAL, BUT IS PERMITTED TO GO AFTER PASSOVER.

GEMARA. IF A MAN SAYS TO HIS WIFE, 'KONAM BE THE WORK OF YOUR HANDS TO ME,' 'FOR MY MOUTH,' OR 'TO MY MOUTH, etc.' Ishmael, of Kefar yama,³ — others say, Kefar Dima⁴ — propounded⁵ the case of an onion that has been pulled up in the seventh year and planted in the eighth, and its growth exceeds the stock. And this is what he asked: The growth is permitted, whilst the stock is forbidden:⁶ but since the growth exceeds the stock, the permitted growth comes and annuls what is forbidden;⁷ or is it not so?⁸ He came before R. Ammi, and he could not solve it. He then went before R. Isaac the smith,⁹ who solved it from the following dictum of R. Hanina of Torata¹⁰ in R. Jannai's name: If one plants an onion of *Terumah*, and its increase exceeds the stock, it is [all] permitted.¹¹ Said R. Jeremiah, others state, R. Zerika, to him, Do you abandon two and follow one? Now who are the two? — [i]

R. Abbahu, who said in R. Johanan's name: If a young tree¹² already with fruit is grafted on an old one, even if it multiplies two hundredfold, it [the original fruit] is forbidden.¹³ [ii] R. Samuel son of R. Nahmani said in R. Jonathan's name: If an onion is planted in a vineyard and the vineyard is [subsequently] removed, it [the onion] is forbidden.¹⁴

Then he [Ishmael] again went before R. Ammi, who solved it from the following: For R. Isaac said in R. Johanan's name: If a *litra*¹⁵ of onions was tithed¹⁶ and then planted, the whole of it must be re-tithed.¹⁷ This proves that the yield nullifies the stock.¹⁸ Perhaps, however, this is different, being in the direction of greater stringency!¹⁹ — But [it can be solved] from the following: For it was taught: R. Simeon said:

1. After having enjoyed benefit from him.
2. Num. XXX, 3.
3. The former and modern Jabneel near Tiberias. V. Horowitz, Palestine, pp. 322ff.]
4. In the original the difference is denoted by the single letter.
5. Lit., 'brought up in his hand'.
6. The produce of the seventh year, if retained for private use after a certain period, were forbidden for use. V. p. 183, n. 16.
7. If something forbidden becomes mixed up with something permitted, the latter exceeding the former (the ratio of excess differs: generally it must be sixty times as much), the latter annuls the former, and it is all permitted. Here too, the stock is used with the increase.
8. Rashi, Tosaf. and Asheri regard the problem as referring only to annulment, but that it is certain that the increase itself is permitted. Ran, however, interprets the problem as relating to the increase: either it is permitted, in which case it also annuls the stock, or all is forbidden since it grew from prohibited stock.
9. The Rabbinate being unpaid (cf. *infra* 37a), many Rabbis were tradesmen or workers. E.g., Hillel was a woodcutter before he became nasi; R. Joshua was a charcoal maker, and there was a R. Johanan who was a sandal maker.
10. This is the conjectured meaning of [H] otherwise [H].
11. To a lay Israelite. So likewise in our problem.
12. I.e., less than three years old, the fruit of which, called '*Orlah*', is forbidden.
13. Though elsewhere '*Orlah*' is nullified by such an increase.

NEDORIM – 45b-91b

14. For when growing there together, they were 'forbidden mixture', (Deut. XXII, 9) and hence the onion was forbidden. Though the vines were removed, and the further growth of the onion permitted, yet the original remains forbidden. (Ran.: yet it is all, including the increase, forbidden). Both these statements are opposed to the first in R. Jannai's name.
15. [G], the Roman Libra, a pound.
16. I.e., all the priestly dues were separated from it.
17. I.e., both the stock and the increase.
18. Though the stock had been tithed once, the whole must be re-tithed, the original being assimilated to the increase.
19. I.e., whereby assimilating the original to the increase the law is more stringent, it is so assimilated. But the problem is whether the original is regarded as nullified though thereby a prohibition is raised.

Nedarim58a

For everything [forbidden] which can become permitted, e.g., *tebel*,¹ second tithe,² Hekdesh,³ and hadash,⁴ the Sages declared no limit.⁵ But for everything which cannot become permitted. e.g., *Terumah*, the *Terumah* of the tithe,⁶ *hallah*,⁷ 'Orlah,⁸ and Kil'yam of the vineyard,⁹ the Sages declared a limit.¹⁰ Said they to him, But seventh year produce cannot become permitted, yet the Sages set no limit to it. For we learnt: Seventh year produce of no matter what quality renders its own kind forbidden!¹¹ He replied, my¹² ruling too is only in respect of removal; but as for eating, [it renders it forbidden] only if sufficient to impart its taste thereto.¹³ But perhaps this too is different, since [the nullification] is in the direction of greater stringency. But solve it from the following: We learnt: Onions [of the sixth year] upon which rain fell, and which grew [in the seventh], — if the leaves are blackish, they are forbidden; if greenish, they are permitted.¹⁴ R. Hanina b. Antigonus said: If they can be pulled up by their leaves, they are forbidden.¹⁵ Conversely, on the termination of the seventh year they are permitted.¹⁶ This proves that the increase, which is permitted, nullifies that which is forbidden.¹⁷ But perhaps it refers to crushed [onions]?¹⁸ — But [it may be solved] from the following. For it was taught:

1. V. [Glos.](#) This is forbidden for use, 'but becomes permitted oil payment of the priestly dues.
2. A tithe which had to be eaten in Jerusalem, but forbidden elsewhere. It could, however, be redeemed, by allocating its value, plus a fifth, to be expended in Jerusalem, after which it might be enjoyed anywhere.
3. Anything dedicated to the Temple which cannot be offered as sacrifice may be put to secular use after it is redeemed.
4. Lit., 'new'. The new crops which are forbidden until the offering of the 'Omer, v. Lev. XXIII, 10-14.
5. If these are mixed up with permitted food, the Sages do not rule that if the latter exceeds the former by a certain ratio the whole is permitted, as in the next clause. The reason is, since it is possible to cancel the prohibition in itself, there is no need to have recourse to nullification through excess.
6. Of the tithe which the Levite received from the Israelite, he had to give one tenth to the priest.
7. V. [Glos.](#) The last three are forbidden to a lay Israelite, and the prohibition itself cannot be cancelled.
8. V. [Glos.](#)
9. V. [Glos.](#)
10. If these became mixed with other permitted substances, the latter nullifies them, providing they exceed them by certain fixed amounts.
11. If mixed with other produce of the same kind, not of the seventh year, the latter is forbidden.
12. So cur. edd., also Rashi and Asheri. Ran.: their ruling, which is more suitable to the context.
13. The seventh year produce might be kept by its owner for his personal use only as long as like produce is still growing in the fields, and available to wild beasts. Once the produce has ceased from the fields the gathered species of the same produce must be 'removed'. That time, the exact limits of which are given in Sheb. IX. 2 et seqq. is called the time of removal. Now R. Simeon answers the difficulty thus: If seventh year produce, of no matter what quality, is mixed with other produce before the time of removal, it all becomes as the former, and must be eaten before the time of removal. For, since it is permitted until then, there is no need to have recourse to nullification by excess. But if after the time of removal (and this has not been removed, so that it may not be eaten). He permitted produce is forbidden only if there is sufficient of the prohibited to impart its taste to the whole mixture. Of course, where they are both of the same kind, this is strictly speaking impossible, but it is calculated on the basis of two different kinds. Now what has been said with respect of a mixture of two lots of produce, seventh year and non-seventh year, also applies to a single plant which is partly

NEDORIM – 45b-91b

seventh and partly non-seventh year produce. E.g., if a sixth year onion is planted and grows no matter how slightly in the seventh, the addition, even if but the smallest fraction of the original, renders the whole as seventh year produce, which is subject to the law of removal. This we see that the increase, though grown out of that which is permitted, is reckoned as distinct from the original, and can render it forbidden. Hence, contrariwise, if the increase is permitted and of sufficient quantity, it can nullify the prohibition attaching to the original.

14. Whilst the onion is growing naturally from the soil, its leaves have a blackish tint. But sometimes, after its natural growth has ceased, the rain inflates it, giving it a sort of over-ripeness. Then its leaves bear a greenish and faded appearance. Hence in this case, if the leaves are blackish, it is a sign that the onion has naturally grown in the seventh year, and therefore the addition renders it all forbidden, i.e. 'imposes upon the whole the law of seventh year produce. But if they are greenish, it has grown of itself, and hence permitted.
15. Even if the leaves are not blackish, yet if they are strong enough for the whole onion to be pulled up by them without their breaking off, it is a sign of normal growth, and so forbidden.
16. If seventh year onions were left in the soil and grew in the eighth, if the leaves go blackish, it is a sign of natural growth in the eighth, and therefore the whole onion is permitted. — Asheri observes that the two cases are not exactly similar. For the sixth year onion is
17. And this solves the problem.
18. I.e., if the onions were crushed and grated, so that the forbidden part no longer preserves its separate identity; in that case it is nullified by excess. But the problem arises only if the onion is intact.

Nedarim 58b

If [a workman] is engaged in weeding leek plants¹ for a Cuthean,² he may make a light meal of them and must separate the tithes from them as certain.³ R. Simeon b. Eleazar said: If [the labourer is employed by] an Israelite suspected of violating the laws of the seventh year,⁴ he may make a light meal thereof [if working] in the eighth year.⁵ This proves that the growth, which is permitted, nullifies [the original stock], which is rendered forbidden even by a slight increase in the seventh, whereas he seventh under the same conditions is rendered permitted only by an

increase in the eighth at least greater than the original. Nevertheless, the general principle, that blackishness of the leaves indicates natural growth, is the same in both. forbidden. But perhaps it refers to a plant whose seed perishes [in the soil]? — But it is taught: The following are leek plants: The lof,⁶ garlic and onions.⁷ But Perhaps it refers to crushed plants?⁸ — This teaches of one who is suspected of violating the Sabbatical year.⁹ But perhaps it refers to a mixture?¹⁰ — This teaches of one who is engaged in weeding.¹¹ Now, shall we say that this refutes R. Johanan and R. Jonathan?¹² — Said R. Isaac: The Sabbatical year produce is different; since the interdict is through the soil,¹³ its nullification too is through the soil.¹⁴ But the prohibition of the tithe is likewise through the soil,¹⁵ yet it is not nullified by the soil. For it was taught: If a *litra* of tithe, itself *tebel*,¹⁶ is sown in the soil and it improves [i.e. increases], and is the equivalent of ten litras, it [sc. the whole] is liable to tithe¹⁷ and [is subject to the laws of] the Sabbatical year,¹⁸ whilst as for the [original] *litra*, a tithe thereof must be separated from elsewhere,¹⁹ according to calculation.²⁰

1. The Talmud explains below what this is.
2. V. [Glos.](#)
3. If he wishes to make of them a regular meal. The obligation of tithing vegetables is Rabbinical only, not Biblical. When crops are tithed, and then resown, the new produce is again liable to the priestly dues. Nevertheless, a labourer engaged in working on crops may make a light meal of them. If, however, the crops originally sown were *tebel* (v. [Glos.](#)) one may not even make a light meal of their produce whilst working on them. Now, this Baraita is to some extent self-contradictory, but in reality represents a compromise. Thus, the Cutheans disregarded their tithe obligations. Consequently, it must be assumed with certainty that they have not set aside the tithes from their produce, of which no regular meal may be made without tithing. This is not regarded as a doubtful tithe, viz., that it is not known whether the Cuthean fulfilled his obligations or not, but as a certain tithe. Yet since the entire obligation is Rabbinical only, the Rabbis did not carry through this assumption to its extreme logical conclusion and forbid a labourer engaged *tebel* thereon to enjoy

NEDORIM – 45b-91b

even a snack, but permitted it, as ordinary tithed plants which are resown. This leniency is based on another possible assumption, viz., only if crops are taken in through the front of the house they are *tebel* in the sense that one may not even make a light meal thereof before the priestly dues are rendered. Here it is possible that these crops were never thus taken in (Tosaf.).

4. I.e., that he planted them in the seventh year.
5. Lit., 'the termination of the Sabbatical year'. Though the original is forbidden as seventh year produce, the increase nullifies it, and hence it is permitted to the labourer.
6. A plant similar to colocasin, with edible leaves and roots, and bearing beans; and it is classified with onions and garlic (Jast.).
7. Thus proving that it applies even to those plants whose original stock remain.
8. The crushing obliterates the original stock.
9. He would not trouble to crush it in order to evade the prohibition.
10. I.e., the labourer may eat it only when it is mixed up with other plants, the excess of which nullifies the original forbidden stock.
11. The labourer may eat while engaged in the act of weeding, though there is no mixture. Thus this definitely proves that the increase nullifies the original.
12. V. *supra* 57b.
13. Lev. XXV, 2: Then the land shall have a sabbath unto the Lord
14. But '*Orlah* is prohibited through immaturity, and 'diverse seeds' (*Kil'yam*) through mixture.
15. I.e., by replanting. For if one sows tithed grains the produce in *tebel*: thus, by putting it into soil, it becomes prohibited.
16. I.e., the tithe of which had not been given, v. p. 183, n. 9.
17. Although itself a tithe, the ordinary law of *tebel* applies to it, and it must be retithed (and *Terumah* too must be given).
18. If it grew in that year.
19. I.e., a tithe — the *Terumah* of the tithe due in the first place — must be given to the priest. This tithe must not be taken out of the resultant crop, but from the previous year's, of which the *litra* was part, because one must not tithe one year's grain with another's.
20. This proves that the forbidden nature of the untithed tithe remains, in spite of the fact that it was sown in the soil.

Nedarim59a

— I will tell you: The tithe obligation is caused by the storing up [of the grain].¹

Rami b. Hama objected: [If a man says,] 'KONAM BE THESE FRUITS TO ME, 'BE THEY KONAM FOR MY MOUTH, OR 'BE THEY KONAM TO MY MOUTH,' HE IS FORBIDDEN [TO BENEFIT] FROM WHAT IS EXCHANGED FOR THEM OR WHAT GROWS FROM THEM. [IF HE SAYS, 'KONAM] IF I EAT OR TASTE OF THEM,' HE IS PERMITTED [TO BENEFIT] FROM WHAT IS EXCHANGED FOR THEM OR WHAT GROWS OF THEM, [THAT IS] IN A THING OF WHICH THE SEED ITSELF PERISHES; BUT IF THE SEED DOES NOT PERISH, EVEN THAT WHICH GROWS OF THAT WHICH [FIRST] GREW FROM IT IS FORBIDDEN!² — Said R. Abba: Vows³ are different: since if he wishes he can demand absolution from tithes, they are as [forbidden] things that may become permitted and [hence] are not nullified by excess.⁴ But with *Terumah* likewise he may, if he wishes, demand absolution from it,⁵ and yet it can be nullified?⁶ For we learnt: If a *se'ah*⁷ of unclean *Terumah* falls into less than a hundred of Hullin it must [all] rot.⁸ [This implies. but if it falls] into a hundred [se'ahs of Hullin], it is nullified? — I will tell you: This refers to *Terumah* in the priest's hands, in regard to which he can demand no absolution.⁹ If so, consider the second clause: If it was undefiled, it should [all] be sold to a priest.¹⁰ But this refers to [*Terumah* in the hands of] an Israelite, who inherited it from his maternal grandfathers a priest.¹¹ But the second clause teaches, It must be sold to a priest save for the value of that *se'ah*?¹² — But answer thus: As for vows, it is well, since it is meritorious to seek absolution from them on account of R. Nathan's dictum, Viz., He who vows, is as though he built a high place; and he who fulfils it, is as though he burned incense thereon. But what merit is there in seeking absolution from *Terumah*?¹³

The text [above] states: 'R. Johanan said: If a *litra* of onions was tithed and then planted, the whole of it must be retithed'. Now Rabbah¹⁴ was sitting and stating this law, whereupon R. Hisda said to him: Who will obey you and R. Johanan your teacher: whither has the

NEDORIM – 45b-91b

permitted portion in them departed? He replied: But did we not learn something similar? Viz., 'Onions [of the sixth year] upon which rain fell, and which grew [in the seventh], —

1. Until the grain is harvested and actually piled up in a stack, there is no obligation for the priestly dues. Thus it is not an obligation caused by the soil.
2. This proves that the increase does not nullify the original, thus refuting R. Ammi's view.
3. Konamoth, Lit., 'Vows expressed by Konam'.
4. V. p. 183, n. 8.
5. If one declares certain grain *Terumah* in error, he can have this declaration nullified, and the grain reverts to its former state.
6. Cur. edd. add 'by mere excess'. Wilna Gaon deletes this, since mere excess is insufficient, a hundred times its quantity being required.
7. V. [Glos.](#)
8. Unclean *Terumah* may not be eaten by anyone, and therefore nothing can be done with the mixture.
9. The Israelite who declares it *Terumah* can have his declaration nullified only before it reaches the hands of the priest but not after.
10. Obviously then it was still in the hands of an Israelite.
11. Thus it had already belonged to a priest, and cannot be revoked.
12. Which belongs to the priest as *Terumah*. But under the circumstances here posited, even that *se'ah* too belongs to the Israelite.
13. Therefore something prohibited by a vow is treated as that which can become permitted, since it ought to be revoked; but this does not apply to *Terumah*.
14. *Var. lec.*: Raba.

Nedarim 59b

if the leaves are blackish, they are forbidden; if greenish, they are permitted.¹ But even if blackish, why are they forbidden? Let us say, whither has the permitted portion in them departed? — He replied: Do you think that it refers to the original stock? [Only] with respect to the increase is it taught. They are forbidden. If so, what does R. Simeon b. Gamaliel come to teach? For it was taught [thereon:] R. Simeon b. Gamaliel said: That which grew under the obligation [of removal]² is under that obligation: that which grew in a state of exemption is exempt. Surely the first

Tanna too says thus? — The whole Mishnah is stated by R. Simeon h. Gamaliel.³ Yet you learn R. Simeon b. Gamaliel's view [to be thus] only where he took no trouble;⁴ but where one takes trouble,⁵ it [the stock] is nullified by the excess [of the increase].⁶ Now, where one takes trouble, is it nullified by the excess? But what of the case of the *litra* of tithe, itself *tebel*, where he took trouble, yet it is taught, 'whilst as for the original *litra*, a tithe thereof must be separated from elsewhere according to calculation'?⁷ — The tithe is different, because Scripture saith, Thou shalt surely tithe all the increase of thy sowing.⁸ and people sow what is permitted, but do not sow what is forbidden.⁹

The text [above states:] 'R. Hanina of Torata said in R. Jannai's name: If one plants an onion of *Terumah*, and its increase exceeds the stock, it is [all] permitted.' Shall we say that the permitted increase

1. V. 58a.
2. Viz., in the Sabbatical year.
3. The second clause is merely stating a reason for the ruling in the first.
4. As in this case, the sixth year onions having been left in the earth during the seventh year.
5. Where he plants the onions.
6. This is Rabbah's remark: though it would appear that R. Simeon b. Gamaliel's view is opposed to his, in reality it is not.
7. V. *supra* 58b.
8. Deut. XIV, 22.
9. U.e., we oblige him to give *Terumah* on the original tithe, since he did wrong in sowing it without rendering the *Terumah*. It is thus in the nature of a fine, that he should not profit by his neglect. But normally the original stock is nullified, when labour is required to produce the excess.

Nedarim 60a

nullifies the forbidden [stock]? But we learnt: What grows from *Terumah* is [likewise] *Terumah*? — He [R. Haninah] refers to the second growth.¹ But we learnt this too: The second growth [of *Terumah*] is *Hullin*.² — He teaches us this: (this is so) even where the stock does not perish in the earth. But we learnt: The growth of *tebel* is permitted in the

NEDORIM – 45b-91b

case where the seed thereof [which is *tebel*] perishes [in the earth], but if it does not perish, [even] its second growth is forbidden! — He teaches us [that the second growth is permitted] when it exceeds the original.³

CHAPTER VIII

MISHNAH. [IF ONE VOWS,] 'KONAM, IF I TASTE WINE TO-DAY, HE IS FORBIDDEN ONLY UNTIL IT GETS DARK; [IF HE SAYS] 'THIS SABBATH,'⁴ HE IS FORBIDDEN THE WHOLE WEEK AND THE SABBATH BELONGS TO THE PAST;⁵ 'THIS MONTH,' HE IS FORBIDDEN THE WHOLE OF THAT MONTH, BUT THE BEGINNING OF THE [FOLLOWING] MONTH BELONGS TO THE FUTURE;⁶ 'THIS YEAR,' HE IS FORBIDDEN THE WHOLE YEAR, WHILST THE BEGINNING OF THE [FOLLOWING] YEAR BELONGS TO THE FUTURE; THIS SEPTENNATE,⁷ HE IS FORBIDDEN THE WHOLE OF THAT SEPTENNATE, AND THE [FOLLOWING] SABBATICAL YEAR BELONGS TO THE PAST.⁸ BUT IF HE SAYS, 'ONE DAY,' 'ONE SABBATH,' 'ONE MONTH,' 'ONE YEAR,' [OR] 'ONE SEPTENNATE,' HE IS FORBIDDEN FROM DAY TO DAY.⁹ [IF ONE VOWS,] 'UNTIL PASSOVER, HE IS FORBIDDEN UNTIL IT ARRIVES; 'UNTIL IT BE' [PASSOVER], HE IS FORBIDDEN UNTIL IT GOES;¹⁰ 'UNTIL PENE¹¹ PASSOVER,' R. MEIR SAID: HE IS FORBIDDEN UNTIL IT ARRIVES; R. JOSE SAID: UNTIL IT GOES.

GEMARA. 'KONAM, IF I TASTE WINE', etc. R. Jeremiah¹² said: At nightfall he must obtain absolution iron, a Sage.¹³ What is the reason? — R. Joseph said: 'To-day' is forbidden as a precautionary measure on account of 'one day'¹⁴

1. I.e., an onion of *Terumah* having been planted and its yield replanted, the second crop is permitted, but the first is *Terumah*.
2. Then what does R. Hanina teach?
3. Whilst the Mishnah stating that it is forbidden holds good only if the growth does not exceed the original.

4. 'Sabbath' denotes both the Sabbath day and a calendar week.
5. I.e., the Sabbath following his vow, belongs to the current week, not the following.
6. And hence permitted
7. I.e., the seven-year cycle.
8. I.e., it ends the Septennate in which the vow was made, and hence is included. An alternate rendering of the whole passage is this: 'This Sabbath' (that is the actual word of the Mishnah; v. n. I): e.g., if one vows on the Sabbath day, the whole week is forbidden, and the Sabbath of the past week too, i.e., the day of his vow, though belonging to the past week, while the vow obviously refers to the coming one, is nevertheless included. 'This month', e.g., if he vows on new moon (Rosh hodesh), the whole of the following month is forbidden, and the new moon itself is also accounted to the next month. 'This year', i.e., if one vows on new year's day, the whole of the year is forbidden, including that day, which belongs to the future. 'This septennate', i.e., if one vows in the Sabbatical year, the following septennate is forbidden, and the Sabbatical year itself in which he vows, though really belonging to the past Septennate. — On this interpretation, if a vow is made on the Sabbath, New Moon, New Year's day or in a Sabbatical year, for a Sabbath (i.e., calendar week), month, year, or septennate respectively, the day itself on which the vow is made, and in the last case, the Sabbatical year itself, are forbidden. The different phraseology used to indicate this, reference being made to the future in two cases and to the past in two others, intimates the law, if one vows in the middle of the week, etc. Thus, if in the middle of the week or septennate, the following Sabbath and Sabbatical year are forbidden; in the middle of the month or year, the following New Moon or New Year's day are permitted. Ran, Asheri and Tosaf. prefer the former interpretation: Rashi the latter.
9. I.e., a day of twenty-four hours; likewise a month of thirty days, a year of twelve months, and a septennate of seven years.
10. I.e., the future tense is regarded as future perfect.
11. [Var. lec.: lifene. Either word may denote (a) the turn of; (b) the face of; (c) until before.]
12. Asheri in his 'Pesakim' reads: R. Jeremiah b. Abba.
13. But the vow is not lifted automatically.
14. If when one vows 'to-day', he is told that the vow' automatically ends at nightfall, he may think the same of 'one day', which binds him, however, twenty-four hours.

NEDORIM – 45b-91b

Nedarim 60b

Said Abaye to him: If so, let 'One day' be forbidden on account of 'to-day'?¹ — He replied: 'To-day' may be mistaken for 'one day', but 'one day' cannot be mistaken for 'to-day'.²

Rabina said: Meremar told me: Thus said your father in R. Joseph's name: With whom does this statement of R. Jeremiah b. Abba agree? With R. Nathan. For it was taught: R. Nathan said: Whoever vows is as though he built a high place, and who fulfils it, is as though he burnt incense thereon.³

THIS SABBATH, HE IS FORBIDDEN THE WHOLE WEEK [AND THE SABBATH BELONGS TO THE PAST]. This is obvious? — I might think that he meant the [week] days of the Sabbath:⁴ we are therefore taught [otherwise].

'THIS MONTH,' HE IS FORBIDDEN THE WHOLE OF THAT MONTH, BUT THE BEGINNING OF THE [FOLLOWING] MONTH BELONGS TO THE FUTURE. This is obvious? — It is necessary only when the [following] Month is defective: I might think that the new Moon belongs to the past, and is forbidden: it is therefore intimated that people call it new moon.⁵

'THIS YEAR,' HE IS FORBIDDEN THE WHOLE YEAR. The scholars propounded: What if one vows, 'Konam, if I taste wine a day'? is its law as 'to-day' or 'one day'? — Come and hear [a solution] from our Mishnah. **'KONAM, IF I TASTE WINE TO DAY HE IS FORBIDDEN WINE ONLY UNTIL IT GETS DARK;** hence 'a day' is as 'one day'! Then consider the second clause: **IF HE SAYS, 'ONE DAY,' HE IS FORBIDDEN FROM DAY TO DAY:** hence a day' is as 'to-day'?⁶ Thus nothing can be deduced from this.

R. Ashi said, Come and hear: 'Konam, if I taste wine this year,'⁷ if the year was intercalated, he is forbidden for the year and the extra month. How is this meant?

1. I.e., if he vows 'one day', let him be forbidden until the nightfall of the following day. Otherwise, if he terminates his vow in the middle of the day, twenty-four hours after its commencement, he may think that had he stated 'today', he could likewise end it in the middle of the day of his vow.
2. I.e., if he vows 'one day', he may think that it ends at nightfall, just as 'to-day'; but if he vows 'to-day', he cannot possibly think that it ends before the nightfall of the same day, since in 'one day' the vow lasts beyond nightfall and includes part of the following day too.
3. I.e., because one does wrong in vowing at all, he is treated stringently and ordered to obtain absolution for his vow when it should lapse automatically. In Rashi's opinion, this conflicts with the reason given by R. Joseph. But Asheri regards it as complementary thereto: whilst accepting the reasoning, he regards the fear of mistaking 'to-day' for 'one day' as insufficient in itself to justify this precautionary measure: hence he adds the reason drawn from R. Nathan's dictum.
4. The Sabbath being a day of delight, it might be assumed that he never intended to deny himself wine on that day, since week-days too are implied in that term.
5. The months of the Jewish year consist of either twenty-nine or thirty days and generally alternate. Hence, if the following month is defective (i.e., of twenty-nine days), this one is full. In the month following a full one, the first two days are designated 'new moon', the first being really the thirtieth day of the past full month. Hence, if one vowed in a full month, it might be thought that he is bound on the first new moon day of the next. Therefore the Mishnah teaches that since it is called new moon, People generally regard it as part of the next month, and hence he is permitted thereon. — This is the reading of Asheri, Ran and Tosaf. But our editions, and Rashi too, have: I might think that the new moon belongs to the past, and should not be forbidden. This reading cannot be reconciled with the first interpretation of the Mishnah, but agrees with the second (q.v. p. 190, n. 5). If he vowed 'this month' on the first new moon day, I might think that since it actually belongs to the past month he is not forbidden thereon. Therefore it is taught that since it is designated new moon, he must have meant to include it.
6. In Heb. 'one' is expressed by [H], but the indef. 'a' is unexpressed, lit., 'day', and hence the problem, and the differentiation between 'a day' and one day'.
7. Lit., 'the year'.

NEDORIM – 45b-91b

Nedarim61a

Shall we say, [literally,] as taught? [Then] why state it?¹ Hence it must surely mean that he vowed 'a year':² this proves that 'a year' is as 'this year', and [consequently], 'a day' as 'today'! — No! In truth, it means that he vowed, 'this year'; yet I might think that the majority of years should be followed, which have no intercalated months;³ therefore we are taught [otherwise].

The scholars propounded: What if one vows, 'Konam, if I taste wine a Jubilee':⁴ Is the fiftieth year [counted] as before the fiftieth or as after?⁵ Come and hear: For a conflict of R. Judah and the Rabbis has been taught: And ye shall hallow the fiftieth year:⁶ you must count it as the fiftieth year, but not as the fiftieth and as the first year [of the following jubilee].⁷ Hence they [the Sages] said: The Jubilee is not part of the [following] septennate. R. Judah maintained: The Jubilee is counted as part of the septennate. Said they to R. Judah, But Scripture saith, six years shalt thou sow thy field,⁸ whereas here there are only five!⁹ He replied: But on your view, Surely it is said, and it shall bring forth fruit for three years.¹⁰ whereas here there are four!¹¹ But it can be referred to other Sabbatical years; hence mine too¹² must be thus explained.

'UNTIL PASSOVER', HE IS FORBIDDEN, etc. Shall we say that R. Meir holds that a man does not place himself.

1. It is obvious, since the addition is an integral part of the year.
2. Only then is it necessary to state that the addition is forbidden him, i.e., 'a year' is as 'this year': for if it implied 'one year', he should be forbidden exactly twelve months.
3. Hence the intercalated month is permitted.
4. Ran observes that since the former problem is left unsolved, a day' would be the equivalent of 'one day' (since when in doubt the more stringent interpretation is adopted), and consequently a jubilee as one jubilee, and the problem cannot arise. Therefore he must have vowed 'this (the) jubilee'.
5. On the former supposition it is forbidden; on the latter it is permitted.
6. Lev. XXV, 10.

7. I.e., that year is the fiftieth, the jubilee, and it cannot be counted also as the first of the following fifty and seven year. cycles.
8. Ibid. 3.
9. Since there is no sowing in the jubilee year.
10. Ibid. 21.
11. The forty-eighth year produce must suffice for itself, the forty-ninth, which is a Sabbatical year, the fiftieth, which is Jubilee, and until the harvesting of the fifty-first. This is a difficulty on any view, R. Judah's included: he posits it merely to prove that the Biblical statements about the Sabbatical year do not in any case apply to the Jubilee period, even on the view of the Rabbis.
12. I.e., the verse by which you desire to refute me.

Nedarim 61b

in a doubtful position, whilst R. Jose maintains that he does place himself in a doubtful position?¹ But the following contradicts it: If a man has two groups of daughters by two wives, and he declares, 'I have given one of my elder daughters in betrothal,² but do not know whether it was the eldest of the senior³ group or of the junior group, or the youngest of the senior group, who is older than the eldest of the junior group': they are all forbidden,⁴ except the youngest of the junior group:⁵ this is R. Meir's view. R. Jose said: They are all permitted except the eldest of the senior group.⁶ — Said R. Hanina b. Abdimi in Rab's name: The passage must be reversed.⁷ And it was taught [even so]: This is a general principle: That which has a fixed time, and one vows, until the turn [pene] thereof, — R. Meir said: It means, until it goes; R. Jose maintained: Until it arrives.

MISHNAH. [IF HE VOWS,] 'UNTIL THE HARVEST, 'UNTIL THE VINTAGE, OR, UNTIL THE OLIVE HARVEST,' HE IS FORBIDDEN (ONLY UNTIL IT ARRIVES. THIS IS A GENERAL RULE WHATEVER HAS A FIXED TIME AND ONE VOWS, 'UNTIL IT ARRIVES, HE IS FORBIDDEN UNTIL IT ARRIVES; IF HE DECLARES, 'UNTIL IT BE', HE IS FORBIDDEN UNTIL IT GOES. BUT WHATEVER HAS NO FIXED TIME, WHETHER ONE VOWS, 'UNTIL IT BE,' OR 'UNTIL IT ARRIVES,'

NEDORIM – 45b-91b

HE IS FORBIDDEN ONLY UNTIL IT ARRIVES. [IF HE SAYS,] 'UNTIL THE SUMMER [HARVEST],'⁸ OR, 'UNTIL THE SUMMER [HARVEST] SHALL BE,' [HE IS FORBIDDEN] UNTIL PEOPLE BEGIN TO BRING [THE FIGS] HOME IN BASKETS;' UNTIL THE SUMMER [HARVEST] IS PAST,' [IT MEANS] UNTIL THE KNIVES⁹ ARE FOLDED UP [AND LAID AWAY].¹⁰

GEMARA. A tanna taught: The basket referred to is the basket of figs, not of grapes.¹¹ It was taught: He who vows [abstinence] from summer fruits, is forbidden only figs. R. Simeon b. Gamaliel said: Grapes are include din figs.¹² What is the reason of the first Tanna? He holds that figs are plucked off by hand, whilst grapes are not plucked off by hand;¹³ whereas R. Simeon b. Gamaliel maintains, Grapes too are plucked off by hand when quite ripe.¹⁴

UNTIL THE SUMMER [HARVEST] IS PAST,' [IT MEANS] UNTIL THE KNIVES ARE FOLDED UP [AND LAID AWAY]. A Tanna taught: Until most of the knives have been put away.

1. The expression until pene — or lifene — is a doubtful one. v. *supra* p. 191. n. 3. R. Meir, on this hypothesis, holds that when one vows he intends his words to hear only that meaning which can with certainty be attributed to them, not desiring to be in a position of doubt; while R. Jose controverts it.
2. A father could betroth his daughter, if a minor, even without her knowledge; though v. Kid. 41a.
3. I.e., by his first wife.
4. Both to the groom, since they may be sisters of the betrothed, and to others, being possibly betrothed themselves.
5. Who is permitted to strangers, since she is definitely not 'the elder'.
6. This shows that in R. Meir's view one intends his words or actions to bear even a meaning which can be attributed to it only with doubt, and R. Jose holds the opposite.
7. I.e., the authorities of our Mishnah.
8. The time for this is not fixed.
9. Used for cutting off the figs from the tree.
10. Other meanings: until the figs are arranged in layers; until the matting, on which the gigs are dried, is folded up.

11. I.e., he is forbidden only until the figs are brought in in baskets, not the grapes, which are gathered in slightly later.
12. I.e., in summer fruits.
13. [H], the Heb. for summer (fruits), denotes the gathering or plucking (of the fruits). But as grapes are cut off from the vine with a pruning knife, the term is inapplicable in their case.
14. Lit., 'when about to be detached' (from the tree). Asheri. [Rashi: 'overripe'. Jast: 'when their stems are thin', cf. Ran.]

Nedarim 62a

A Tanna taught: If most of the knives have been put away, they [the remaining figs] are permitted [to strangers] as far as theft is concerned, and are exempt from tithes.¹

Rabbi and R. Jose son of K. Judah came to a certain place when most of the knives had been folded. Rabbi ate;² R. Jose son of R. Judah did not. Their owner came and said to them, 'Why do the Rabbis not eat? most of the knives have been folded!' Nevertheless R. Jose son of R. Judah did not eat, believing that the man had spoken [sarcastically] in a grudging spirit.

R. Mama son of R. Hanina came to a place when most of the knives had been folded. He ate; but [when] he offered [some] to his attendant, he would not eat. 'Eat,' said he; 'thus did R. Ishmael son of R. Jose tell me on his father's authority: When most of the knives have been folded, they [the remaining figs] are permitted [to strangers] as far as theft is concerned 'and are exempt from tithes'.

R. Tarfon was found by a man eating [of the figs] when most of the knives had been folded, [whereupon] he threw him into a sack and carried him, to cast him in the river. 'Woe to Tarfon,' he cried out, 'whom this man is about to murder!' When the man heard this,³ he abandoned him and fled. R. Abbahu said on the authority of R. Hananiah b. Gamaliel: All his lifetime that pious man grieved over this, saying. 'Woe is me that I made [profane] use of the crown of the Torah!'⁴ For Rabbah b. Bar Hanah said in R. Johanan's name: Whoever puts the crown of the Torah to [profane] use, is uprooted from the world.⁵ This follows a

NEDORIM – 45b-91b

fortiori. If Belshazzar, who used the holy vessels which had become profaned, as it is written, For the robbers shall enter into it, and profane it:⁶ [teaching], since they had broken in, they were profaned; yet he was uprooted from the world, as it is written, In that night was Belshazzar slain:⁷ how much more so he who makes [profane] use of the crown of the Torah, which endureth for ever!

Now since R. Tarfon ate when most of the knives were folded, why did that man ill-treat him? — Because someone had been stealing his grapes all the year round, and when he found R. Tarfon, he thought that it was he. If so, why was he grieved [at revealing his identity]?⁸ — Because R. Tarfon, being very wealthy, should have pacified him with money.⁹

It was taught: That thou mayest love the Lord thy God and that thou mayest obey his voice, and that thou mayest cleave unto him:¹⁰ [This means] that one should not say, I will read Scripture that I may be called a Sage.' I will study, that I may be called Rabbi, I will study,¹¹ to be an Elder, and sit in the assembly [of elders];¹² but learn out of love, and honor will come in the end, as it is written, Bind them upon thy fingers, write them upon the table of thine heart,¹³ and it is also said, Her ways are ways of pleasantness;¹⁴ also, She is a tree of life to them that lay hold upon her: and happy is everyone that retaineth her.¹⁵

R. Eliezer son of R. Zadok said: Do [good] deeds for the sake of their Maker,¹⁶ and speak of them¹⁷ for their own sake. Make not of them a crown wherewith to magnify thyself, nor a spade to dig with.¹⁸ And this follows *a fortiori*. If Belshazzar, who merely used the holy vessels which had been profaned, was driven from the world; how much more so one who makes use of the crown of the Torah!

Raba said: A man may reveal his identity where he is unknown, as it is said, but I thy servant fear the Lord from my youth.¹⁹ But as for the difficulty of R. Tarfon,²⁰ — he was very

wealthy, and should have pacified him with money.

Raba opposed [two verses]: It is written, But I thy servant fear the Lord for in my mouth,' whilst it is also written, Let another man praise thee, and not thine own mouth?²¹ One refers to a place where he is known; the other, to where he is unknown.

Raba said: A rabbinical scholar may assert, I am a rabbinical scholar; let my business receive first attention;²² as it is written, And David's sons were priests,²³ just as a priest receives [his portion] first, So does the scholar too. And whence do we know this of a priest? — Because it is written, Thou shalt sanctify him therefore, for he offereth the bread of thy God:²⁴ whereon the School of R. Ishmael taught: 'Thou shalt sanctify him' — in all matters pertaining to holiness:

1. Because once the knives are put away, the owner has, in effect, shewn that the remaining figs are unwanted by him and free to all, i.e., Hefker, from which there are no priestly dues; cf. p. 139, n. 2.
2. Of the figs left on the fields.
3. That he was R. Tarfon.
4. I.e., over saving his life by revealing his identity.
5. This is in accordance with the general view held that one should derive no benefit whatsoever from the Torah. Cf *supra* 37a and Aboth, IV, 5. (Sonc. ed.) p. 47, n. 3.
6. Ezek. VII, 22.
7. Dan. V, 30.
8. His grief would have been justified had the keeper been angry on account of R. Tarfon's action alone: For instead of saving himself by disclosing his name, he should have told him the law on the subject and offered to pay for what he had eaten, but if he was mistaken for an habitual thief, what else could he have done: should he have offered to make good the depredations of the whole year!
9. Precisely so.
10. Deut. XXX, 20.
11. [So BaH. cur. edd.: [H] 'I will teach.' I.e. he teaches others, so that his fame may spread and he may obtain a seat in the Academy.]
12. 'Elder' may simply mean scholar (cf. Kid. 32b), or more exactly a member of the Sanhedrin; cf. Joseph. Ant. XII, 111, p. 3.

NEDORIM – 45b-91b

13. Prov. VII, 3: i.e., make it an integral part of thyself, not as something outside thee, cherished only for its worldly advantages.
14. Ibid. III, 17.
15. Ibid. 18: this is quoted to shew that honor comes eventually.
16. I.e., God Who decreed them (Ran.). [Or. 'the performance of them', i.e., for the sake of doing good (Bahja Ibn Pakuda, Duties of the Heart, Introduction.)]
17. Viz., the words of the Torah.
18. In I Sam. XIII, 20. and Ps. LXXIV, 5, kardom means an axe. Possibly it was a two-sided tool, one side serving as a spade and the other as an axe.
19. I Kings XVIII, 12
20. V. *supra*.
21. Prov. XXVII, 2.
22. Lit., 'dismiss my case first'. E g., in a shop or market place. cf. the story in Kid. 70a.
23. II Sam. VIII, 18. They were not priests, of course; hence the verse means that as scholars they were entitled to certain priestly privileges.
24. Lev. XXI, 8.

Nedarim 62b

to be the first to commence [the reading of the Law],¹ the first to pronounce the blessing,² and first to receive a good portion.³

Raba said: A rabbinical scholar may declare, I will not pay poll-tax, for it is written, [also we certify to you, that touching any of the priests ... or ministers of this house of God,] it shall not be lawful to impose mindah [tribute,] belo [custom,] or halak [toll,] upon them:⁴ whereon Rab Judah said: 'mindah' is the king's portion [of the crops]; 'belo' is a capitation tax, and 'halak' is arnona.⁵ Raba also said: A Rabbinical scholar may assert, 'I am a servant of fire, and will not pay poll-tax.'⁶ What is the reason? Because it is [only] said in order to drive away a lion.⁷ R. Ashi owned a forest, which he sold to a fire-temple. Said Rabina to R. Ashi: But there is [the injunction]. Thou shalt not put a tumbling-block before the blind!⁸ — He replied: Most wood is used for [ordinary] heating.⁹

MISHNAH. [IF HE VOWS,] 'UNTIL THE HARVEST,' [IT MEANS] UNTIL THE PEOPLE BEGIN REAPING THE WHEAT HARVEST, BUT NOT THE BARLEY

HARVEST.¹⁰ IT ALL DEPENDS ON THE PLACE WHERE HE VOWED:¹¹ IF IN A HILL-COUNTRY. THE HILL-COUNTRY [HARVEST]; IF IN THE PLAIN, [THE HARVEST OF] THE PLAIN [IS MEANT].¹² [IF HE VOWS,] 'UNTIL THE RAINS,' [OR], 'UNTIL THE RAINS SHALL BE', [IT MEANS] UNTIL THE SECOND RAINFALL DESCENDS.¹³ R. SIMEON B. GAMALIEL SAID: UNTIL THE [NORMAL] TIME FOR THE [FIRST] RAINFALL IS REACHED.¹⁴ [IF HE VOWS,] 'UNTIL THE RAINS CEASE,' [IT MEANS] UNTIL THE END OF NISAN:¹⁵ THIS IS R. MEIR'S VIEW. R. JUDAH SAID: UNTIL PASSOVER IS PAST.

GEMARA. It was taught: He who vows in Galilee, 'until the fruit-harvest,' and then descends to the valleys, though the fruit harvest has begun in the valley, he is forbidden [by his vow] until the fruit-harvest in Galilee.

[IF HE VOWS,] 'UNTIL THE RAINS,' [OR] 'UNTIL THE RAINS SHALL BE,' [IT MEANS] UNTIL THE SECOND RAINFALL DESCENDS. R. SIMEON B. GAMALIEL SAID, etc. R. Zera said: The dispute is only if he said, 'until the rains';¹⁶ but if he declared, 'until the rain,' he [certainly] meant, until the time of the [first] rain.¹⁷

1. In ancient times the public reading of the Law was done by those 'called up'. The priest was to be called to read the first portion. v. Git. 59a.
2. I.e., the blessing for bread prior to the meal, and grace after the meal.
3. At a meal he must be served first. — Asheri: when sharing anything with an Israelite, the latter must divide the thing to be shared in two equal portions and give choice of pick to the priest.
4. Ezra VII, 24.
5. Or 'annona', produce tax. Jast. conjectures that [H] probably means a tax for the sustenance of marching troops.
6. To the Persian it would suggest a fire worshipper, who was free from poll-tax. But the scholar making (his assertion should mean that he worships the Lord, who is designated 'consuming fire' in Deut. IV, 24. (Under Chapter II, fire worship became the national and state-aided religion of the Persians, and in order to win converts to that religion fire

NEDORIM – 45b-91b

worshippers enjoyed exemption from poll-tax: v. Funk, S. Die Juden in Babylonien II. p. 3.)

7. I.e., in self-defence, against irregular extortion. Ran states that Raba's dictum means that even a Rabbinical student may act thus, and it is not regarded as an untruth; the ordinary person may certainly do so.
8. Lev. XIX. 14: i.e., nothing must be done to aid idolatry.
9. Not for idolatrous service,
10. Which is earlier.
11. I.e., though normally 'harvest', unspecified, means the wheat harvest, if in a particular place one refers thus to the barley harvest it means until then. Likewise, as the Mishnah proceeds to explain.
12. Harvesting is later in a hill-country than in a plain.
13. I.e., until it commences. There are three winter rainfalls in Palestine. Their times are discussed on 63a. When he states, 'until the rainfall', without specifying which, it is assumed that he means the middle one, as he would have defined the first or last by name.
14. Even if it does not rain then. Since the times of the rainfalls are not exact, he must have meant when the rainfall commences.
15. The first month in the Jewish year, corresponding to March-April.
16. The first Tanna maintains that the plural implies, until there shall have been at least two rainfalls; whilst in R. Simeon b. Gamaliel's opinion the terms of the vow are fulfilled when the time for the second rainfall comes, even though it did not actually rain.
17. So Rashi.

Nedarim63a

An objection is raised: What is the time of the rainfall?¹ The earliest is on the third [of Marheshwan],² the middle [i.e., the second] on the seventh, and the last on the twenty-third: this is R. Meir's view. R. Judah said: The seventh, the seventeenth, and the twenty-third. R. Jose said: The seventeenth, the twenty-third, and the new moon of Kislew.³ And R. Jose used likewise to rule that individuals must not fast [for rain] until Kislew has commenced.⁴ Now we observed thereon: As for the first rainfall, it is well: [they differ] in respect of petitioning;⁵ the third [likewise] is in respect of fasting.⁶ But [as for] the second, in respect of what [is the controversy]? And R. Zera answered: In respect of one who vows.⁷ Whereon we observed: With whom does the

following Baraita agree: R. Simeon b. Gamaliel said: If the rain descends for seven days in succession, it is counted as the first and second rainfall?⁸ With whom does this agree? With R. Jose!⁹ — That refers to one who vows, 'Until the rains.'

MISHNAH. [IF HE VOWS,] 'KONAM THAT I TASTE NOT WINE FOR A YEAR', IF THE YEAR IS INTERCALATED.¹⁰ HE IS FORBIDDEN DURING THE YEAR AND ITS EXTENSION. [IF HE SAYS.] 'UNTIL THE BEGINNING OF ADAR,'¹¹ [IT MEANS] UNTIL THE BEGINNING OF THE FIRST ADAR; 'UNTIL THE END OF ADAR,' UNTIL THE END OF THE FIRST ADAR.¹²

GEMARA. Thus we see that by stating Adar, without qualification, the first is meant. Shall we say that our Mishnah reflects R. Judah's views? For it was taught: For the first Adar, one writes 'The first Adar'; for the second, simply 'Adar': this is R. Meir's view. R. Judah said: For the first Adar, one writes 'Adar'; for the second, one writes 'the second Adar'!¹³ — Abaye said: You may say that it agrees even with R. Meir: the latter is where he knew that it was a leap year; the former [i.e., the Mishnah], if he did not know.¹⁴

1. Sc. the winter rain, which generally came in three periods, as explained here. There was also, of course, the Spring rain. V. Ta'an. 6a.
2. Marheshwan is the eighth month of the year, corresponding to October-November.
3. Kislew is the ninth month of the year, corresponding to November-December.
4. And rain has not yet fallen.
5. For rain. A short prayer for rain — [H] '(give) dew and rain', called she'elah, request or petition, is inserted in the eighth benediction of the 'amidah when the first rainfall is due. V. Ta'an. 10a.
6. A public fast was proclaimed if the drought continued after the time of the third rainfall had arrived. V. Ta'an. I, 4-7: II, 1.
7. I.e., if one vows, 'until the rains', it means until the second rainfall: hence the controversy as to when it is due.
8. As we have seen, R. Simeon b. Gamaliel's own view is that the line of the rainfall is the deciding factor, whether it actually rains or not. But since the Rabbis maintain that the vow means until it rains, R. Simeon argued that

NEDORIM – 45b-91b

even on their view, if it rains for seven days in succession, it should be considered as two rainfalls, and hence terminates the vow. It is now assumed that no distinction is here made how he expressed his vow. But on R. Zera's view, that they all agree that where he says 'until the rain', the time of the first rainfall is the deciding factor, R. Simeon b. Gamaliel's remark is irrelevant.

9. For in R. Meir's view there are only four days between the two rain-falls, and in R. Judah's there are ten.
10. The Jewish year being lunar, an extra month is periodically intercalated to make it agree with the Solar year; v. J.E. art. 'Calendar'.
11. The twelfth month of the year = February-March.
12. *Var. lec.*: SECOND ADAR. When a year is intercalated, a month is added after Adar, which is called the second Adar.
13. This is in reference to the dating of documents.
14. If he knew and stated Adar, without qualification, the second is meant, in R. Meir's view. But if he did not know, he must have meant the first, since he does not wish to be in doubt as to the length of his vow, that he should include the second Adar if the year is subsequently intercalated.

Nedarim 63b

And it was taught even so: [If one writes.] 'until the new moon of Adar,' [it means] until the new moon of the first Adar; but if it was a leap year, until the new moon of the second Adar. Now, this proves that the first clause does not refer to leap year?¹ Hence the latter clause means, if he knew that it was a leap year; the former, if he did not know.

MISHNAH. R. JUDAH SAID: [IF ONE VOWS, — 'KONAM THAT I TASTE NO WINE UNTIL PASSOVER SHALL BE,' HE IS FORBIDDEN ONLY UNTIL THE PASSOVER NIGHT,² FOR HE MERELY MEANT, UNTIL THE EVENING OF PASSOVER, UNTIL THE HOUR WHEN MEN ARE WONT TO DRINK WINE.³ IF HE VOWS, 'KONAM THAT I TASTE NO MEAT UNTIL THE FAST [I.E., THE DAY OF ATONEMENT] SHALL BE,' HE IS FORBIDDEN ONLY UNTIL THE EVE OF THE FAST, FOR HE MERELY MEANT, UNTIL PEOPLE USUALLY EAT MEAT.⁴ R.

JOSE, HIS SON, SAID: [IF HE VOWS,] KONAM, IF I TASTE GARLIC UNTIL THE SABBATH, HE IS FORBIDDEN ONLY UNTIL SABBATH EVE [I.E., FRIDAY NIGHT], FOR HE MEANT, UNTIL IT IS CUSTOMARY FOR PEOPLE TO EAT GARLIC.⁵ IF HE SAYS TO HIS NEIGHBOR 'KONAM, IF I BENEFIT FROM YOU, IF YOU DO NOT COME AND ACCEPT FOR YOUR SONS A KOR OF WHEAT AND TWO BARRELS OF WINE, THE LATTER MAY ANNUL HIS VOW WITHOUT RECOURSE TO A SAGE, BY DECLARING, 'DID YOU VOW FOR ANY OTHER PURPOSE BUT TO HONOR ME? THIS [NON-ACCEPTANCES] IS MY HONOR. LIKewise, IF HE SAYS TO HIS NEIGHBOR, 'KONAM, IF YOU BENEFIT FROM ME, IF YOU DO NOT GIVE MY SON A KOR OF WHEAT AND TWO BARRELS OF WINE' — R. MEIR RULES: HE IS FORBIDDEN UNTIL HE GIVES; BUT THE SAGES MAINTAIN: HE TOO CAN ANNUL HIS VOW WITHOUT A SAGE, BY DECLARING, I REGARD IT AS THOUGH I HAVE RECEIVED IT. IF HE WAS URGING HIS NEIGHBOR TO MARRY HIS SISTER'S DAUGHTER, AND HE EXCLAIMED, 'KONAM, IF SHE EVER BENEFITS FROM ME'; LIKewise, IF HE IS DIVORCING HIS WIFE AND VOWS, 'KONAM, IF MY WIFE HAS EVER BENEFIT FROM ME, — THEY ARE PERMITTED TO BENEFIT FROM HIM, BECAUSE HE MEANT ONLY MARRIAGE. IF HE WAS URGING HIS NEIGHBOR TO EAT IN HIS HOUSE, AND HE REPLIED, 'KONAM, IF I ENTER, OR, 'THE DROP OF WATER THAT I DRINK, HE MAY ENTER HIS HOUSE AND DRINK COLD WATER BECAUSE HE ONLY MEANT EATING AND DRINKING IN GENERAL.⁶

1. That is obviously impossible, since in that case 'until the new moon of the first Adar' is meaningless.
2. So in Mishnayoth edd.
3. This is the reading as amended by BaH.
4. It was a widespread custom to eat meat on the eve of Atonement day. The point of these two rulings, as of the next too, is that although the expression might mean until Passover shall have been, etc., the imperfect being intended as

NEDORIM – 45b-91b

a fut. perfect, yet since it is customary to drink wine in the first evening, he is assumed to have meant until it comes, which is also a possible rendering of his words. And the same applies to the vow regarding meat.

5. I.e., on the eve if Sabbath; the institution thereof is ascribed to Ezra; v. B.K. 82a and *supra* 31a.
6. But did not mean the expression to be taken literally.

Nedarim64a

CHAPTER IX

MISHNAH. R. ELIEZER SAID: ONE MAY SUGGEST TO A MAN AS AN OPENING [FOR ABSOLUTION]¹ THE HONOR OF HIS FATHER AND MOTHER BUT THE SAGES FORBID.² SAID R. ZADOK: INSTEAD OF GIVING THE HONOR OF HIS FATHER AND MOTHER, LET US SUGGEST THE HONOR OF THE ALMIGHTY AS AN OPENING.³ IF SO, THERE ARE NO VOWS.⁴ BUT THE SAGES ADMIT TO R. ELIEZER THAT IN A MATTER CONCERNING HIMSELF AND HIS FATHER AND MOTHER THEIR HONOR IS SUGGESTED AS AN OPENING. R. ELIEZER ALSO RULED: A NEW FACT⁵ MAY BE GIVEN AS AN OPENING; BUT THE SAGES FORBID IT. E.G., IF A MAN SAID, 'KONAM THAT I BENEFIT NOT FROM SO AND SO, AND HE [THE LATTER] THEN BECAME A SCRIBE,⁶ OR WAS ABOUT TO GIVE HIS SON IN MARRIAGE,⁷ AND HE DECLARED, 'HAD I KNOWN THAT HE WOULD BECOME A SCRIBE OR WAS ABOUT TO GIVE HIS SON IN MARRIAGE, I WOULD NOT HAVE VOWED;' [OR IF HE SAID,] 'KONAM, IF I ENTER NOT THIS HOUSE,' AND IT BECAME A SYNAGOGUE, AND HE DECLARED, HAD I KNOWN THAT IT WOULD BECOME A SYNAGOGUE, I WOULD NOT HAVE VOWED: R. ELIEZER PERMITS IT,⁸ BUT THE SAGES FORBID IT.

GEMARA. What is meant by THERE ARE NO VOWS? — Abaye said: If so, Vows are not properly revoked.⁹

1. Lit., 'open for man'.
2. V. p. 61, n. 7. Since vows are discreditable (v. *supra* 9a), to make them is to cast a reflection upon one's parents.
3. One dishonors God by committing anything unworthy.
4. The Talmud discusses the meaning of this. According to our text, this is still R. Zadok's speech, and a refutation of R. Eliezer. But Ran, Tosaf. and Asheri read: They (the Sages) said to him: If so, there are no vows. On this reading, R. Zadok agrees with R. Eliezer, but goes beyond him, whilst the Sages maintain that even on R. Eliezer's view, one could not go so far as to suggest the honor of God as an opening, for if so, there are no vows. But, as is evident from the Mishnah, they disagree with R. Eliezer too.
5. Lit., 'newly-born', 'unexpected'.
6. I.e., a school teacher, whose services the maddir might require for his child; others: a notary, whose services might be essential to him.
7. And the maddir wished to take part in the festivities.
8. As an opening for absolution.
9. Because a vow can be annulled only on grounds, which, when suggested, need not necessarily make him regret his vow, in which case when he is moved to repent, it is to be assumed that his repentance is genuine. But when it is suggested to him that by vowing he dishonored God, no person is so impudent as to maintain that he would have vowed notwithstanding, even if he would have done so; consequently, his vow is not properly revoked.

Nedarim 64b

Raba explained: If so no one will seek a Sage's absolution for his vow.¹

We learnt: BUT THE SAGES ADMIT TO R. ELIEZER THAT IN A MATTER CONCERNING HIMSELF AND HIS FATHER AND MOTHER, THEIR HONOR IS SUGGESTED AS AN OPENING. Now, as for Abaye, who explains [it as meaning], if so, vows are not properly revoked, it is well: here, since he has been [so] impudent, he is impudent.² But on Raba's explanation. Viz., if so, none will seek a Sage's absolution for his vow, why is such an opening suggested to him

NEDORIM – 45b-91b

here?³ — I will tell you. Since all [other] vows cannot be annulled without a Sage,⁴ it may be offered as an opening here too.⁵

R. ELIEZER ALSO RULED: A NEW FACT MAY BE GIVEN AS AN OPENING, etc. What is R. Eliezer's reason? — R. Hisda said: Because Scripture saith, [And the Lord said unto Moses in Midian, Go, return into Egypt:] for all the men are dead [which sought thy life].⁶ But death was a new fact:⁷ this proves that a new fact is given as an opening. What then is the reason of the Rabbis? — They argue thus: Did these men die? Surely R. Johanan said on the authority of R. Simeon b. Yohai: Wherever *nizzim* [quarrelling] or *nizzawim* [standing] is mentioned, the reference is to none but Dathan and Abiram?⁸ But, said Resh Lakish, they had become poor.⁹

R. Joshua b. Levi said: A man who is childless is accounted as dead, for it is written, Give me children, or else I am dead.¹⁰ And it was taught: Four are accounted as dead: A poor man, a leper, a blind person, and one who is childless. A poor man, as it is written, for all the men are dead [which sought thy life].¹¹ A leper, as it is written, [And Aaron looked upon Miriam, and behold, she was leprous. And Aaron said unto Moses ...] let her not be as one dead.¹² The blind, as it is written, He hath set me in dark places, as they that be dead of old.¹³ And he who is childless, as it is written, Give me children, or else I am dead.¹⁴

1. Since God's honor may apply to all vows, if such is suggested, every person will annul his vow himself, and thus the solemnity of vows be destroyed.
2. For obviously, if he has been so impudent as to make such a vow, he is sufficiently brazen not to offer regard for his parents' honor as a ground for absolution, unless he has genuinely repented of having acted so contumaciously toward them.
3. Since one can thus annul his own vow.
4. This not being accepted as a ground in other vows.
5. On account of other vows, it will be the practice to apply for absolution to a Sage, and that will be adhered to even in such an isolated case as this, which is an exception to the general rule.

6. Ex. IV. 19: the Talmud states below that Moses had vowed to Jethro not to return to Egypt, on account of the men who sought his life, and now God absolved Moses of his vow on the grounds that they were dead.
7. I.e., one that arose subsequent to Moses' vow.
8. Cf. Ex. II, 13: And when he went out on the second day, behold, two men of the Hebrews strove together (*nizzim*), with: That is that Dathan and Abiram, which were famous in the congregation, who strove against (*hizzu*. of which *nizzim* is a participle) Moses against Aaron. Cf. also, Ex. V, 20: And they met Moses and Aaron, who (sc. they) stood (*nizzawim*) in the way, with Num. XVI, 65. And Dathan and Abiram came out, and stood (*nizzawim*), etc. The similarity of language leads to the assumption that the same people are referred to in all cases, viz., Dathan and Abiram. Now, it was on their account that Moses fled from Egypt, and God told him that they were dead. But they reappear in Korah's rebellion. Hence the statement that they were dead cannot be taken literally.
9. Lit., 'they had descended from their property'. V. *supra* p. 16, n. 3. Now, though impoverishment was also a new fact, yet since it is of common occurrence (here regarded as more likely than death, as he left them, presumably, in good health), the Rabbis regard it as one which might be foreseen, and therefore a legitimate ground for absolution.
10. Gen. XXX, 1.
11. V. n. 2.
12. Num. XII, 10-12.
13. Lam. III, 6: this is interpreted: he hath set me in dark places, just as the blind, who are accounted as long since dead.
14. Possibly the inclusion of the poor and childless was directed against the early Christian exaltation of poverty and celibacy.

Nedarim 65a

It was taught: He who is forbidden to benefit from his neighbor can have the vow absolved only in his [neighbor's] presence.¹ Whence do we know this? — R. Nahman said: Because it is written, And the Lord said unto Moses, In Midian, go, return into Egypt, for all the men are dead which sought thy life.² He said [thus] to him: 'In Midian thou didst vow; go and annul thy vow in Midian.' [How do we know that he vowed in Midian?] — Because it is written, And Moses was content [wa-yo'el] to dwell with the man;³ now *alah*⁴ can only mean

NEDORIM – 45b-91b

an oath, as it is written, and hath taken an [alah] oath of him.⁵

And also against King Nebuchadnezzar he rebelled, who had adjured him by the living God.⁶ What was [the nature of] his rebellion? — Zedekiah found Nebuchadnezzar eating a live rabbit.⁷ 'Swear to me,' exclaimed he, 'not to reveal this, that it may not leak out!' He swore. Subsequently he grieved thereat, and had his vow absolved and disclosed it. When Nebuchadnezzar learned that they were deriding him, he had the Sanhedrin⁸ and Zedekiah brought before him, and said to them, 'Have ye seen what Zedekiah has done? Did he not swear by the name of Heaven not to reveal it?' They answered him, 'He was absolved of his oath.' 'Can then one be absolved of an oath?' he asked them. 'Yes,' they returned. 'In his presence or even not in his presence?'⁹ — '[Only] in his presence,' was their reply. 'How then did ye act?' said he to them: 'why did ye not Say this to Zedekiah?' Immediately, 'The elders of the daughter of Zion sit upon the ground, and keep silence.'¹⁰ R. Isaac said: This teaches that they removed the cushions from under them.¹¹

MISHNAH. R. MEIR SAID: SOME THINGS APPEAR AS NEW FACTS, AND YET ARE NOT [TREATED] AS NEW;¹² BUT THE SAGES DO NOT AGREE WITH HIM.¹³ E.G., IF ONE SAYS, 'KONAM THAT I DO NOT MARRY SO AND SO, BECAUSE HER FATHER IS WICKED,' AND HE IS [THEN] TOLD, HE IS DEAD, OR, HE HAS REPENTED; 'KONAM, IF I ENTER THIS HOUSE, BECAUSE IT CONTAINS A WILD DOG, OR, 'BECAUSE IT CONTAINS A SERPENT,' AND HE IS [THEN] INFORMED, THE DOG IS DEAD, OR, THE SERPENT HAS BEEN KILLED, THESE ARE AS NEW FACTS, YET ACTUALLY NOT [TREATED] AS NEW FACTS. BUT THE SAGES DO NOT AGREE WITH HIM.¹⁴

GEMARA. 'KONAM, IF I ENTER THIS HOUSE, BECAUSE IT CONTAINS A WILD DOG, etc.' But if it died, it really is a new fact?¹⁵ — Said R. Huna: It is as though he

conditioned his vow by this fact. R. Johanan said: He was told, 'He has already died,' or, 'already repented.'¹⁶

1. If A vowed not to benefit from B, A cannot have his vow absolved except in the presence of B. In the Jerusalem Talmud two reasons are given for this: (i) if his neighbor does not know of his absolution, he may suspect him of breaking his vow, (ii) he who vowed not to benefit from his neighbor — presumably for his neighbor's benefit — he should be put to shame for his niggardly spirit and he made to seek absolution in his presence. Therefore it is insisted upon.
2. Ex. IV, 19.
3. Ibid. II, 21.
4. The root of wa-yo'el
5. Ezek. XVII, 13.
6. II Chron. XXXVI. 13.
7. Other: a raw rabbit.
8. The Jewish court.
9. Sc. of the person to whom the oath was sworn.
10. Lam. II, 10.
11. A sign of their unworthiness and deposition.
12. I.e., though occurring after the vow, they might have been anticipated.
13. *Var. lec.*: and the Sages agree with him.
14. *Var. lec.*: and the Sages agree with him.
15. Not only in appearance.
16. I.e., before the vow, and the vow was thus made in error. Therefore R. Meir teaches that in the former it is not treated as a novel occurrence and absolution may be granted on that score. The Sages disagree, holding that it may not be granted, as a precautionary measure.

Nedarim 65b

R. Abba objected: [If one Vows,] 'Konam that I do not marry that ugly woman, whereas she is beautiful; 'that black[skinned] woman,' whereas she is fair; 'that short woman,' who in fact is tall, he is permitted to marry her. Not because she was ugly and became beautiful [after the vow], black and turned fair, short and grew tall, but because the vow was made in error. Now, as for R. Huna, who explained it, It is as though he conditioned his vow by this fact, it is well: he [the Tanna] teaches the case of one who makes his vow dependent upon a fact, and the case of an erroneous vow. But according to R. Johanan, who explained [this Mishnah as meaning] that he had already died or repented,¹ why teach [two instances of erroneous vows]? This is a difficulty.

NEDORIM – 45b-91b

MISHNAH. R. MEIR ALSO SAID: AN OPENING [FOR ABSOLUTION] MAY BE GIVEN FROM WHAT IS WRITTEN IN THE TORAH, AND WE SAY TO HIM. 'HAD YOU KNOWN THAT YOU WERE VIOLATING [THE INJUNCTIONS]. THOU SHALT NOT AVENGE, THOU SHALT NOT BEAR A GRUDGE AGAINST THE CHILDREN OF THY PEOPLE. THOU SHALT LOVE THY NEIGHBOR AS THYSELF.² OR THAT THY BROTHER MAY LIE WITH THEE;³ OR THAT HE MIGHT BECOME POOR AND YOU WOULD NOT BE ABLE TO PROVIDE FOR HIM,⁴ [WOULD YOU HAVE VOWED]?' SHOULD HE REPLY, 'HAD I KNOWN THAT IT IS SO, I WOULD NOT HAVE VOWED,' HE IS ABSOLVED.

GEMARA. R. Huna son of R. Kattina said to the Rabbis:⁵ But he can reply. Not all who become poor fall upon me [for support]; and as for my share of the [general] obligations, I can provide for him together with everyone else?⁶ — He replied: I maintain, He who falls [upon the community] does not fall at the beginning into the hands of the charity overseer.⁷

MISHNAH. A WIFE'S *KETHUBAH*⁸ MAY BE GIVEN AS AN OPENING [FOR ABSOLUTION]. AND THUS IT ONCE HAPPENED THAT A MAN VOWED NOT TO BENEFIT FROM HIS WIFE.⁹ AND HER *KETHUBAH* AMOUNTED TO FOUR HUNDRED *DINARII*.¹⁰ HE WENT BEFORE R. AKIBA, WHO ORDERED HIM TO PAY HER THE *KETHUBAH* [IN FULL]. SAID HE TO HIM, 'RABBI, MY FATHER LEFT EIGHT HUNDRED *DINARII*, OF WHICH MY BROTHER TOOK FOUR HUNDRED AND I TOOK FOUR HUNDRED: IS IT NOT ENOUGH THAT SHE SHOULD RECEIVE TWO HUNDRED AND I TWO HUNDRED?' — R. AKIBA REPLIED: EVEN IF YOU SELL THE HAIR OF YOUR HEAD YOU MUST PAY HER HER *KETHUBAH*. HAD I KNOWN THAT IT IS SO,' HE ANSWERED, I WOULD NOT HAVE VOWED.' THEREUPON R. AKIBA PERMITTED HER [TO HIM].¹¹

GEMARA. Is then movable property under a lien for the *Kethubah*?¹² — Abaye said: [It refers to] real estate worth eight hundred *Dinarii*. But the hair of his head is mentioned, which is movable property! — It means thus: Even if you must sell the hair of your head for your keep.¹³ This proves that the debtor's means are not assessed?¹⁴ — Said R. Nahman son of R. Isaac: [No].

1. So that it was a vow in error.
2. Lev. XIX. 18.
3. Ibid. XXV, 36; e.g., when one forbids another to benefit from him.
4. So the reading in Ran and Asheri.
5. Asheri reads: Rabbah.
6. I.e., I can still give my share through the communal charitable institutions, since it is not directly for him.
7. Only as a last resource does one apply for communal relief. But in the first place one seeks private relief, which the man who made the vow is debarred from affording.
8. Marriage settlement.
9. He, being unable to live without benefiting from her, must divorce her and pay her marriage settlement.
10. The *Kethubah* as variable. The minima are two hundred *Dinarii* and one hundred *Dinarii* for a virgin and a widow respectively; Keth. 10b.
11. Thus annulling the vow.
12. This is the subject of a dispute between R. Meir and the Rabbis in Keth. 81b. — It is now assumed that the eight hundred *Dinarii* were in the form of movables.
13. Lit., 'and eat'. Even so, you are hound to hand over your real estate in payment of the *Kethubah*.
14. For the purpose of exempting him of payment, in whole or in part. This is disputed in B.M. 114a.

Nedarim 66a

It means that the *Kethubah* deed is not torn up.¹

MISHNAH. THE SABBATHS AND FESTIVALS² ARE GIVEN AS AN OPENING. THE EARLIER RULING WAS THAT FOR THESE DAYS THE VOW IS CANCELLED, BUT FOR OTHERS IT IS BINDING; UNTIL R. AKIBA CAME AND TAUGHT: A VOW WHICH IS PARTIALLY ANNULLED IS ENTIRELY ANNULLED.

NEDORIM – 45b-91b

E.G., IF ONE SAID, KONAM THAT I DO NOT BENEFIT FROM ANY OF YOU, IF ONE WAS [SUBSEQUENTLY] PERMITTED [TO BENEFIT HIM], THEY ARE ALL PERMITTED. [BUT IF HE SAID, 'KONAM THAT I DO NOT BENEFIT FROM A, B, C, etc.', IF THE FIRST WAS PERMITTED, ALL ARE PERMITTED; BUT IF THE LAST-NAMED WAS PERMITTED, HE ALONE IS PERMITTED, BUT THE REST ARE FORBIDDEN. (IF THE MIDDLE PERSON WAS PERMITTED, THOSE MENTIONED AFTER HIM ARE [ALSO] PERMITTED, BUT THOSE MENTIONED BEFORE HIM ARE FORBIDDEN.)³ [IF ONE VOWS,] 'KORBAN BE WHAT I BENEFIT FROM THIS [MAN], KORBAN BE WHAT I BENEFIT FROM THAT [MAN],' AN OPENING [FOR ABSOLUTION] IS NEEDED FOR EACH ONE INDIVIDUALLY. [IF ONE VOWS,] 'KONAM, IF I TASTE WINE, BECAUSE IT IS INJURIOUS TO THE STOMACH: WHEREUPON HE WAS TOLD, BUT WELL-MATURED WINE IS BENEFICIAL TO THE STOMACH, HE IS ABSOLVED IN RESPECT OF WELL-MATURED WINE, AND NOT ONLY IN RESPECT OF WELL-MATURED WINE, BUT OF ALL WINE. KONAM, IF I TASTE ONIONS, BECAUSE THEY ARE INJURIOUS TO THE HEART', THEN HE WAS TOLD, 'BUT THE WILD ONION⁴ IS GOOD FOR THE HEART,' — HE IS PERMITTED TO PARTAKE OF WILD ONIONS, AND NOT ONLY OF WILD ONIONS, BUT OF ALL ONIONS. SUCH A CASE HAPPENED BEFORE R. MEIR, AND HE GAVE ABSOLUTION IN RESPECT OF ALL ONIONS.

GEMARA. IF THE LAST-NAMED WAS PERMITTED, HE ALONE IS PERMITTED, BUT THE REST ARE FORBIDDEN. Which Tanna [ruled thus]? — Raba said: It is R. Simeon, who maintained, unless he declared 'i swear' to each one separately.⁵

'KONAM, IF I TASTE WINE,', etc. But let it follow [from the fact] that it is not injurious?⁶

— R. Abba said: It means: Moreover, it is beneficial.⁷

'KONAM, IF I TASTE ONIONS,', etc. But let it follow [from the fact] that they are not injurious? — Said R. Abba: It means: Moreover, they are beneficial.

MISHNAH. A MAN'S OWN HONOR, AND THE HONOR OF HIS CHILDREN, MAY BE GIVEN AS AN OPENING. [THUS:] WE SAY TO HIM, 'HAD YOU KNOWN THAT TOMORROW IT WILL BE SAID OF YOU, THAT IS HIS REGULAR HABIT TO DIVORCE HIS WIFE'; AND OF YOUR DAUGHTERS THEY WILL SAY, THEY ARE THE DAUGHTERS OF A DIVORCED WOMAN. WHAT FAULT DID HE FIND IN THIS WOMAN TO DIVORCE HER?''⁸ IF HE REPLIES, 'HAD I KNOWN THAT IT IS SO. I WOULD NOT HAVE VOWED,' HE IS ABSOLVED.

[IF ONE VOWS,] 'KONAM IF I MARRY THAT UGLY WOMAN, WHEREAS SHE IS BEAUTIFUL; THAT BLACK [-SKINNED] WOMAN, WHEREAS SHE IS FAIR; 'THAT SHORT WOMAN, WHO IN FACT IS TALL, HE IS PERMITTED TO MARRY HER, NOT BECAUSE SHE WAS UGLY, AND BECAME BEAUTIFUL, OR BLACK AND TURNED FAIR, SHORT AND GREW TALL, BUT BECAUSE THE VOW WAS MADE IN ERROR. AND THUS IT HAPPENED WITH ONE WHO VOWED NOT TO BENEFIT FROM HIS SISTER'S DAUGHTER, AND SHE WAS TAKEN INTO R. ISHMAEL'S HOUSE AND MADE BEAUTIFUL. MY SON, EXCLAIMED R. ISHMAEL TO HIM, 'DID YOU VOW NOT TO BENEFIT FROM THIS ONE!' 'NO,' HE REPLIED, WHERE UPON R. ISHMAEL PERMITTED HER [TO HIM]. IN THAT HOUR R. ISHMAEL WEPT AND SAID, 'THE DAUGHTERS OF ISRAEL ARE BEAUTIFUL, BUT POVERTY DISFIGURES THEM.'⁹ AND WHEN R. ISHMAEL DIED, THE DAUGHTERS OF ISRAEL RAISED A LAMENT, SAYING, YE DAUGHTERS OF ISRAEL WEEP FOR R. ISHMAEL. AND THUS IT IS SAID TOO OF

NEDORIM – 45b-91b

SAUL, YE DAUGHTERS OF ISRAEL,
WEEP OVER SAUL.¹⁰

GEMARA. A story [is quoted] contradicting [the ruling]¹¹ — The text is defective¹² and was thus taught: R. Ishmael said: Even if she was ugly and became beautiful, black and turned fair, or short and grew tall. **AND THUS IT HAPPENED WITH ONE WHO VOWED NOT TO BENEFIT FROM HIS SISTER'S DAUGHTER; SHE WAS TAKEN INTO R. ISHMAEL'S HOUSE AND MADE BEAUTIFUL, etc.**

1. I.e. though the debtor may be exempted of part payment now, the debt always remains, in case his prospects improve later. Thus R. Akiba merely meant that the debt of the *Kethubah* would always hang over him.
2. Here the reading is, The Festivals and the Sabbaths; but on 25b it is quoted in the order given here, and Asheri gives the same reading here too.
3. This is quoted on 26b, but as part of a Baraitha, not a Mishnah; hence it should be omitted, and Asheri too omits it.
4. Or, Cyprus onions.
5. V. Shebu. 38a. If a man is dunned by a number of creditors, and he takes a false oath, saying, 'I swear that I owe nothing to you, nor to you, nor to you, etc.,' he is liable only to one sacrifice, as for one false oath; unless he declares, 'I swear that I owe nothing to you', 'I swear that I owe nothing to you', 'I swear that I owe nothing to you', etc., in which case he is liable to a sacrifice for each false oath — this is R. Simeon's view. Thus here too, if he declared, 'Korban be what I benefit from A', 'Korban be what I benefit from B', etc., mentioning 'Korban' in the case of each separately, each is regarded as a separate vow. Otherwise they would all be forbidden or permitted alike by the same vow, or its absolution. (The earlier clause in which 'Korban' was not mentioned in the case of each refers to an enumeration in which each person was made dependent upon the preceding). Although the caption of this passage is. **IF THE LAST-NAMED, etc.**, it appears from Ran, Asheri and Tosaf. that the deduction as to authorship is based on 'KORBAN BE WHAT I BENEFIT FROM THIS (MAN).
6. Even if not beneficial, that is sufficient to annul the vow.
7. I. e., firstly. it is not injurious, which itself is sufficient; but what is more, it is even beneficial.

8. I.e., there must be something wrong with her, and her daughters probably follow in her footsteps. This refers to a vow to divorce one's wife.
9. R. Ishmael flourished during the latter portion of the first century and the early part of the second C.E. This period, falling roughly between the destruction of the Temple and the Bar Cochba revolt, and extending some time beyond the fall of Bethar is 135 C.E., must have been one of hardship and poverty for many Jews.
10. II Sam. I, 24. — In ancient days women were professional mourners, and chanted dirges in chorus at the bier of the dead.
11. The Mishnah, after ruling that the vow is annulled only if she was actually beautiful when it was made, then quotes a story in which R. Ishmael annulled it in respect of a woman who was subsequently made beautiful.
12. Cf. p. 2, n. 3.

Nedarim 66b

A Tanna taught: She had a false¹ tooth, and R. Ishmael made her a gold tooth at his own cost. 'When R. Ishmael died, a professional mourner commenced [the funeral eulogy] thus: Ye daughters of Israel, weep over R. Ishmael, who clothed you, etc.²

A man once said to his wife, 'Konam that you benefit not from me, until you make R. Judah and R. Simeon taste of your cooking.' R. Judah tasted thereof, observing, 'It is but logical.³ If, in order to make peace between husband and wife, the Torah commanded, Let My Name, written to sanctity, be dissolved in "the utters that curse",⁴ though 'tis but doubtful,⁵ how much more so I!' R. Simeon did not taste thereof, exclaiming, 'Let all the widows' children perish,⁶ rather than that Simeon be moved from his standpoint, lest they fall into the habit of vowing.'

A man once said to his wife, 'Konam that you benefit not from me until you expectorate on R. Simeon b. Gamaliel.' She went and spat upon his garment, and he [R. Simeon b. Gamaliel] absolved her.⁷ R. Aha of Difti⁸ said to Rabina: But his aim was to insult him! — He replied: To expectorate upon the garments of R. Simeon b. Gamaliel is a great insult.

NEDORIM – 45b-91b

A man once said to his wife, 'Konam that you benefit not from me, until you shew aught beautiful² in yourself to R. Ishmael son of R. Jose.' Said he to them:¹⁰ 'Perhaps her head is beautiful?' — 'It is round,' they replied.¹¹ 'Perhaps her hair is beautiful?' — 'It is like stalks of flax.' 'Perhaps her eyes are beautiful?' — 'They are bleared.' 'Perhaps her nose is beautiful?' — 'It is swollen.' 'Perhaps her lips are beautiful?' — 'They are thick.' 'Perhaps her neck is beautiful?' — 'It is squat.' 'Perhaps her abdomen is beautiful?' — 'It protrudes.' 'Perhaps her feet are beautiful?' — 'They are as broad as those of a duck.' 'Perhaps her name is beautiful?' — 'It is liklukith.'¹² Said he to them, 'She is fittingly called liklukith, since she is repulsive through her defects'; and so he permitted her [to her husband].

A certain Babylonian went up to the Land of Israel and took a wife [there]. 'Boil me two [cows'] feet,' he ordered, and she boiled him two lentils,¹³ which infuriated him with her. The next day he said, 'Boil me a griwa',¹⁴ so he boiled him a griwa. 'Go and bring me two bezuni;¹⁵ so she went and brought him two candles.¹⁵ 'Go and break them on the head of the baba.'¹⁶ Now Baba b. Buta was sitting on the threshold, engaged in judging in a lawsuit. So she went and broke them on his head. Said lie to her,¹⁷ 'What is the meaning of this that thou hast done?' — She replied, 'Thus my husband did order me.' 'Thou hast performed thy husband's will,' he rejoined; 'may the Almighty bring forth from thee two sons like Baba b. Buta.

CHAPTER X

MISHNAH. IN THE CASE OF A BETROTHED MAIDEN,¹⁸ HER FATHER AND HER BETROTHED HUSBAND ANNUL HER VOWS.¹⁹

1. Lit., 'An inserted tooth'.
2. Continuing as in II Sam. I, 24, q.v.
3. Lit., '(it follows) a fortiori' (that I should do so).
4. V. Num. V, 23.
5. Whether the wife was guilty of adultery.

6. I.e., let the husband die, so that she becomes a widow, and all her children — of course, hardly to be taken literally.
7. So emended by BaH.
8. Identified with Bibtha in the vicinity of Wasit on the lower reaches of the Tigris; Obermeyer, *op. cit.*, p. 197.
9. So BaH. [Cur. ed. 'a becoming defect'.]
10. Either to the husband and wife, or to those who reported the matter to him.
11. Perhaps it was Esquimaux-shaped, which both in the East and in the West would hardly be considered beautiful.
12. Which means repulsive.
13. Misunderstanding his Babylonian pronunciation, and mistaking telafe (feet) for telaf he (lentils) Rashi. Another version: Boil me two (meaning 'some') lentils, and she boiled him (just) two lentils, taking him literally.
14. A large measure (of lentils). Thinking that she had intentionally boiled only two the previous day through laziness or meanness, he asked for an extraordinary large quantity, believing that she would scale it down.
15. Denoting either 'melons' or 'candles'.
16. Threshold; i.e., break them on the top of the threshold.
17. no note.
18. There were two stages of marriage. (i) erusin, betrothal, and (ii) nissu'in, hometaking. The betrothed maiden was called arusah, and her husband arus. Erusin was as binding as marriage, and could be annulled only by divorce, but cohabitation was forbidden, and the arusah remained in her father's house until the nissu'in. By maiden — Na'arah — a girl between twelve years and one day and twelve and a half years plus one day old is meant, after which she becomes a Bogereth. The reference to a maiden here is to exclude a Bogereth, not a minor.
19. V. Num. XXX, 3ff. But not separately, because she is partly under the authority of both. A Bogereth is not under her father's authority, and is therefore excluded.

Nedarim67a

IF HER FATHER ANNULLED [HER VOW] BUT NOT THE HUSBAND, OR IF THE HUSBAND ANNULLED [IT] BUT NOT THE FATHER, IT IS NOT ANNULLED; AND IT GOES WITHOUT SAYING IF ONE OF THEM CONFIRMED [IT].

GEMARA. But that¹ is the same as the first clause. **HER FATHER AND HUSBAND**

NEDORIM – 45b-91b

ANNUL HER VOWS! — I might think that either her father or her husband is meant;² therefore we are taught [otherwise].

AND IT GOES WITHOUT SAYING IF ONE OF THEM CONFIRMED [IT]. Then why teach it? If we say that annulment by one without the other is invalid, what need is there to state 'IF ONE OF THEM CONFIRMED [IT]?' — It is necessary, in the case where one of them annulled it and the other confirmed it, and then the latter sought absolution of his confirmation.³ I might think, that which he confirmed, he has surely overthrown;⁴ therefore we are taught that they must both annul simultaneously.⁵

IN THE CASE OF A BETROTHED MAIDEN, HER FATHER AND HER HUSBAND ANNUL HER VOWS. Whence do we know this?⁶ — Rabbah⁷ said: The Writ saith, And if she be to an husband, when she vowed [... then he shall make her vow ... of no effect]:⁸ hence it follows that a betrothed maiden, her father and her husband annul her vows.⁹ But perhaps this verse refers to a Nesu'ah? — In respect to a Nesu'ah there is a different verse, viz., And if she vowed in her husband's house, etc.¹⁰ But perhaps both refer to a Nesu'ah,¹¹ and should you object, what need of two verses relating to a Nesu'ah? It is to teach that a husband cannot annul pre-marriage vows?

1. Viz., IF HER FATHER ANNULLED, etc.
2. The 'and', Heb. u, having the disjunctive force of 'or'.
3. By a Rabbi, who granted it to him just as he would for a vows.
4. Either that the very revoking of his confirmation is in itself the equivalent of nullification, or, having revoked his confirmation, he is now free to nullify the vow.
5. Not literally, for even if one annulled in the morning, and the other in the evening, it is valid. But there must be no invalidating act between the two nullifications, and here, since one confirmed it, the nullification of the other previous thereto is void.
6. That her husband may annul her vows, though she has not yet entered his home.
7. Yalkut reads: Raba.
8. Num. XXX, 7-9.

9. This verse is preceded by, But, if her father disallow her in the day that he heareth; not any of her vow ... shall stand ... because her father disallowed her. Then follows: And if she be, etc. Now, Rabbah reasons thus: Since we have a different verse for a Nesu'ah (a married woman, v. [Glos.](#)), as explained below, this verse must refer to an arusah, and consequently, the copulative 'and' must mark a continuation of the preceding verse; i.e., if in her father's house, the father has power to annul her vow, and if at the same time she is married, viz., an arusah, her husband too, in conjunction with her father, exercises this authority. For if the 'and' introduces a separate law, namely, that the husband of arusah can disallow her vows without her father, the verse referring to a Nesu'ah is superfluous: if the husband can himself annul the vows of an arusah, surely it goes without saying that he can do so for a Nesu'ah! Now this reasoning is implicit in the first verse quoted, but the Talmud proceeds to elucidate it by means of question and answer.
10. Ibid. II.
11. But in the case of an arusah the father alone can annul her vows.

Nedarim 67b

— But does that not follow in any case?¹ Alternatively, I might say 'to be' implies *Kiddushin*.² But perhaps the father himself can annul?³ — If so, what is the need of, 'and bind himself by a bond, being in the father's house ... if her father disallow ... not any of her vows shall stand ... because her father disallowed her'?⁴ If the father can annul them alone even when there is an arus, surely he can do so when there is no arus! But perhaps the father needs the arus, but the arus can annul alone? And should you reply, If so, why does Scripture mention the father?⁵ It is to shew that if he confirmed, the confirmation is valid!⁶ — If so, why write, 'and if she vowed in her husband's house': [since] it follows *a fortiori*: if the arus can annul alone even where there is a father,⁷ is it necessary [to state it] when she is no longer under her father's control! But perhaps, 'and if she vowed in her husband's house', teaches that he cannot annul pre-marriage vows?⁸ — From that fact itself [it is proved. That] an arus can annul pre-marriage vows: surely, that is [only] because of his partnership with the father.⁹

NEDORIM – 45b-91b

1. Rashi, Ran, and one alternative in Asheri explain: 'And if she vowed in her husband's house', which obviously refers to a Nesu'ah, teaches at the same time that the vow must have been made in her husband's house, and not before marriage. So that 'and if she be, etc.', must refer to an arusah.
2. The phrase 'if she be' denotes mere betrothal; it therefore refers to an arusah.
3. Though it has been shewn that the husband can annul only in conjunction with the father, the latter, on the other hand, can perhaps act alone.
4. Num. XXX, 4-6.
5. I.e., why is and if she be at all to an husband coupled with because her father disallowed her; as explained p. 217, n. 5, that the and combines the two. But why combine them, if the arus can annul entirely without the father?
6. I.e., the father still retains that authority. But if he is neutral, the arus alone can annul.
7. I.e., when she is still under the paternal roof and to some extent under his authority; e.g., her earnings belong to her father.
8. The question here is not the same as on 67a. There it was suggested that both 'and if she be to an husband' and, 'and if she vowed in her husband's house' refer to a Nesu'ah, the latter verse teaching that the husband cannot annul pre-marriage vows. Here the question is: perhaps the first verse refers to an arus, and means that he can annul alone, and the second to a husband (after nissu'in)? But it does not teach that in the second case too he can annul, since this is obvious from the first *a fortiori*, but implies a limitation: that he cannot annul pre-marriage vows.
9. It is obvious that an arus alone cannot wield greater authority than a husband. Hence, when we find that in one respect his power is greater, it must be because he does not exercise it alone, but in conjunction with the father, who can disallow his daughter's vows whenever made under his authority.

Nedarim 68a

The School of R. Ishmael taught: [These are the statutes which the Lord commanded Moses] between a man and his wife, between the father and his daughter, [being yet in her youth in her father's house]:¹ this teaches that in the case of a betrothed maiden both her father and her husband annul her vows.² Now, according to the Tanna of the School of Ishmael, what is the purpose of 'and if she be to an husband'?³ — He utilizes it for Rabbah's other dictum.⁴ Now, how does Raba utilize the

verse adduced by the Tanna of the School of Ishmael?⁵ — It is necessary to teach that the husband can annul vows which concern himself and his wife.⁶

The scholars propounded: Does the husband cut [the vow] or weaken [it]?⁷ How does this problem arise? E.g., If she [the betrothed maiden] vowed not to eat the size of two olives [of anything],⁸ and the arus heard of it and annulled the vow, and she ate them. Now, if we say that he cuts the vow apart, she is flagellated; but if he weakens it, it is merely forbidden.⁹ What [is the law]? — Come and hear: When was it said that if the husband died, his authority passes over¹⁰ to the father? In the case where the husband did not hear [the vow] before he died, or heard and annulled it, or heard it and was silent,¹¹ and died on the same day: this is what we learnt: If the husband died, his authority passes over to the father;¹²

1. Num. XXX, 17.
2. The verse is interpreted as referring to one and the same woman; hence it states that her father and her husband have authority over her, and that is possible only in the case of a betrothed maiden.
3. Which was utilized on 67a for this teaching.
4. V. 70a.
5. Since he deduces this from 'and if she be etc'.
6. Deduced from 'between a man and his wife', i.e., only such vows as concern them and their mutual relationship.
7. Does he completely nullify half the vow, leaving the other half for the father, or does he weaken the whole vow, whilst actually nullifying nothing of it? [The same question applies equally to the father (Ran).]
8. Nothing whatsoever may be eaten of that which is forbidden, but the size of an olive is the smallest quantity for which punishment is imposed.
9. If he cuts the vow in two, then the size of one olive remains forbidden in its full stringency, and therefore she is flagellated for the violation of her vow. But if he weakens the whole of the vow, though leaving it all forbidden, the prohibition is not so stringent that punishment should be imposed.
10. Lit., 'emptied out'.
11. So emended by BaH.

NEDORIM – 45b-91b

12. In all these cases the husband had no actually confirmed the vow; therefore the father is left with the full authority to annul it.

Nedarim 68b

but if he heard and confirmed it, or heard it and was silent, and died on the following day,¹ he [the father] cannot annul it.² If the father heard and annulled it, and died before the husband managed to hear of it, — this is what we learnt: If the father died, his authority does not pass over to the husband.³ If the husband heard and annulled it, and died before the father managed to hear of it, — in this case we learnt: If the husband died, his authority passes over to the father.⁴ If the husband heard and annulled it, and the father died before he managed to hear of it, the husband cannot annul it,⁵ because the husband can annul only in partnership.

1. Having thus ipso facto confirmed it.
2. Once the husband has confirmed, the father cannot annul it, even after the former's death.
3. *Infra* 70a. With his death his annulment is void, and the husband is not empowered to nullify the vow himself, though in the reverse case the father could do so.
4. The first clause of the Mishnah means that the father heard it before the husband's death; this clause, that the husband died before the father heard it. Now I might think that only if he had heard it in the husband's lifetime, and so could have annulled it together with him, does he inherit his authority, but if he had not heard of it in her husband's lifetime, his authority is not transmitted. Therefore this clause teaches otherwise,
5. I.e., act in lieu of her father.

Nedarim 69a

If the father heard and annulled it, and the husband died before he managed to hear of it, the father can again annul the husband's portion. R. Nathan said; That is the view of Beth Shammai; but Beth Hillel maintain: He cannot annul it [a second time]. This proves that according to Beth Shammai, he cuts it apart, whilst in the view of Beth Hillel he weakens it.¹ This proves it.²

Raba propounded: Can absolution be sought from confirmation,³ or not? Should you say, no absolution can be sought front confirmation, is there absolution from annulment, or not?⁴ — Come and hear: For R. Johanan said: One can seek absolution from confirmation but not from annulment.

Rabbah propounded: What if [he said], 'It is confirmed to thee, it is confirmed to thee,' and then sought absolution of his first confirmation? — Come and hear: For Raba said: If he obtained absolution from the first, the second becomes binding upon him.⁵

Rabbah propounded: What if [he declares]. 'It be confirmed unto thee and annulled unto thee, but the confirmation be not valid unless the annulment had operated?'⁶

1. Hence, according to Beth Shammai, when the father annulled it, the husband's portion remains, as it were, intact in all its stringency. The husband's right to annul the other half is sufficiently tangible, since that half is as stringent in itself as the whole, to be transmitted to the father. But in the views of Beth Hillel annulment by the father, as by the husband, merely weakens it; hence the husband's right to wipe off entirely a prohibition that is already weakened is too intangible to be transmitted to the father. — But in the first clause, where without the father having annulled his share, the husband annuls it and then dies, since the father can annul his own share he can annul too the weakened share of the husband (Asheri).
2. And since in all disputes between Beth Shammai and Beth Hillel the *Halachah* is in the latter, the final ruling is that the husband weakens the incidence of the whole vow.
3. By a Sage, after expressing 'regret'.
4. The confirmation of a vow is as a vow; hence the question whether it can be revoked. The revocation of the annulment of a vow should not be in question, since it might be assumed that one cannot revoke in order to impose a prohibition, but that elsewhere (76b) we find the two likened to each other.
5. *V. supra* 18a: just as there, so here too, and hence the second confirmation retains its full force.
6. Without the stipulation it is obvious that the annulment is invalid, for a vow once confirmed cannot be annulled. Since, however, one is made dependent upon the other, the question

NEDORIM – 45b-91b

arises whether the annulment cancels the confirmation or not.

Nedarim 69b

— Come and hear [a solution] from the controversy of R. Meir and R. Jose; For we learnt: [If one declares,] 'This [animal] be a substitute for a burnt-offering, a substitute for a peace-offering,' it is a substitute for a burnt-offering [only]; this is R. Meir's view. But R. Jose ruled: If that was his original intention,¹ since it is impossible to pronounce both designations simultaneously, his declarations are valid.² Now, even R. Meir asserted [that the second statement is disregarded] only because he did not say, 'Let the first not be valid unless the second take effect'; but here that he declared, 'but the confirmation be not valid unless the annulment has operated,' even R. Meir admits that the annulment is valid.

Rabbah propounded: What [if he declares], 'It be confirmed unto thee and annulled to thee simultaneously?'³ — Come and hear: For Rabbah said: Whatever is not [valid] consecutively, is not valid even simultaneously.⁴

Rabbah propounded: What [if he declares], 'It be confirmed to thee to-day? Do we rule, it is as though he had said to her, 'but it be annulled unto thee to-morrow' [by implication], or perhaps he in fact did not declare thus?

1. To declare it a substitute for both.
2. V. Lev. XXVII, 33; He shall not search whether it be good or bad, neither shall he change it: and if he change it at all, then both it and the change thereof shall be holy. This is interpreted as meaning that if an animal he dedicated for a particular sacrifice, e.g., a peace-offering, and then a second substituted for it, both are holy, the second having exactly the same holiness as the first. Now, R. Meir rules that if he declares it a substitute for two other consecrated animals in succession, only the first declaration is valid, and the second disregarded. But R. Jose maintains that if the second statement was not added as an afterthought, but formed part of the original intention, the whole is valid. Consequently, the animal must be sold, and the

money expended half for a burnt-offering and half for a peace-offering.

3. [Or, if he said at one and the same time 'It be confirmed and annulled to thee'].
4. If one marries two sisters in succession, the second marriage is obviously invalid; hence, if one makes a simultaneous declaration of marriage to two sisters, such declaration is entirely null, v. Kid. 50b. Thus here too, since they could not both take effect if pronounced in succession, they are null when pronounced simultaneously. It is therefore as though he has not spoken at all, and he remains at liberty to confirm or annul the vow, as he pleases.

Nedarim 70a

Now, if you say, he did not in fact declare thus, what if he declares, 'It be confirmed unto thee to-morrow';¹ do we rule, he is unable to annul it for to-morrow, since [by implication] he confirmed it for today;² or perhaps, since he did not state, 'It be confirmed unto thee to-day,' by declaring, 'It be annulled unto thee to-morrow,' he really meant from to-day? Now, should you say that even so, since he [implicitly] confirmed it to-day,³ it is as though in force to-morrow too,⁴ what if he declares, 'It be confirmed unto thee for an hour?' Do we say, It is as though he declared, 'It be annulled unto thee thereafter'; or perhaps, he in fact did not say thus to her? Should you rule, he did not in fact declare thus, what if he did explicitly annul it?⁵ Do we say, Since he confirmed it, he confirmed it [for good]; or perhaps, as he is empowered to confirm and annul it the whole day, if he says, 'It be annulled unto thee after an hour,' his statement is efficacious? — Come and hear: [If a woman vows], 'Behold, I will be a Nazirite'; and her husband on hearing it, exclaimed 'And I'; he cannot [subsequently] annul it.⁶ But why so? Let us say that his exclamation, 'And I,' referred to himself only [viz.,] that he would be a Nazirite, but as for her vow, 'Behold, I will be a Nazirite,' he confirmed it [but] for one hour;⁷ whilst thereafter, if he wishes to annul it, why cannot he do so? Surely it is because having confirmed it, he confirmed it [for good]! — No. He [the Tanna of that Mishnah] holds that every 'And I' is as though one

NEDORIM – 45b-91b

declares, 'It be permanently confirmed unto thee.'

MISHNAH. IF THE FATHER DIES, HIS AUTHORITY DOES NOT PASS OVER TO THE HUSBAND; BUT IF THE HUSBAND DIES, HIS AUTHORITY PASSES OVER TO THE FATHER. IN THIS RESPECT, THE FATHER'S POWER IS GREATER THAN THE HUSBAND'S. BUT IN ANOTHER, THE HUSBAND'S POWER IS GREATER THAN THAT OF THE FATHER, FOR THE HUSBAND CAN ANNUL [HER VOWS] AS BOGERETH⁸ BUT THE FATHER CANNOT ANNUL HER VOWS AS BOGERETH.⁹

GEMARA. What is the reason?¹⁰ — Because the Writ saith, In her youth, she is in her father's house.¹¹

IF THE HUSBAND DIES, HIS AUTHORITY PASSES OVER TO HER FATHER. Whence do we know this?¹² — Said Rabbah:¹³ Because it is written, And if she be at all to an husband and her vows be upon her:¹⁴

1. Without first asserting, 'It be disallowed thee to-day'.
2. A vow can be annulled only on the day the husband or father hears of it. — Num. XXX, 6-9, 13.
3. Accepting the first alternative.
4. Having confirmed it for the first day, he no longer has the power to annul it; hence his nullification from the morrow is invalid.
5. I.e., it be confirmed to thee for an hour and thereafter annulled.
6. Mishnah, *Nazir* 20b.
7. Since he merely attached his vow to that of his wife, he must have meant momentarily to confirm the vow.
8. V. [Glos.](#)
9. The father can annul his daughter's vow only if a Na'arah (v. [Glos.](#))
10. That the father's authority is not transmitted to the husband, as it is in the reverse case.
11. Num. XXX, 17: i.e., as long as she is in her youth, she is under parental control. Hence if her father dies, his authority is not transferable.
12. The first question was 'what is the reason thereof', because, granted that the husband's authority is transmitted, as stated in the second clause, why is the father's not? But now the Talmud asks, how do we know that the husband's authority is transmitted?

13. This is alluded to in 68a, where the reading is Raba.

14. Ibid. 7. The word for 'being' is repeated, from which it is deduced that two betrothals are referred to. This is preceded by a verse dealing with the father's powers of annulment, and as stated above (p. 217, n. 5), the 'And' commencing v. 7 combines the two verses, teaching that even in the case of marriage the father may still retain his authority.

Nedarim 70b

hence the [vows made by her] previously to her second betrothal are assimilated to [those made] previously to her first betrothal;¹ just as those made before the first betrothal, the father can annul alone, so also those made before the second betrothal, the father can annul alone. But perhaps this is only in the case of vows which were unknown to the arus,² but those which were known to the arus the father is not able to annul?³ — As to vows unknown to the arus, these⁴ follow from 'in her youth, she is in her father's house'.⁵

IN THIS RESPECT, THE FATHER'S POWER IS GREATER THAN THE HUSBAND'S, etc. How is this meant?⁶ Shall we say, that he betrothed her⁷ whilst a Na'arah, and then she became a Bogereth? But consider: [her father's] death frees her from her father's authority, and the Bogereth stage frees her from her father's authority; then just as at death, his authority does not pass over to her husband, so on puberty, his authority should not pass over to her husband?⁸ Again, if he betrothed her as a Bogereth, surely that has already been taught once, viz., A Bogereth who tarried twelve months?⁹ (Now this is self-contradictory. You say, 'a Bogereth who tarried twelve months': in the case of a Bogereth, why twelve months? thirty days are sufficient?¹⁰ — Read: A Bogereth and one [viz., a Na'arah] who tarried twelve months.) But still the difficulty remains?¹¹ — I can answer either that here it is specifically taught, whilst there Bogereth is mentioned because it is desired to state the controversy between R. Eliezer and the Rabbis. Or, alternatively, Bogereth [there] is specifically taught; but

NEDORIM – 45b-91b

[here], because the first clause states 'IN THIS RESPECT, etc.,' a second [contrary] clause IN THIS RESPECT, is added.¹²

1. I.e., since the verse implies a reference to two betrothals, they are equalized, and therefore the periods preceding them too. The period preceding the second betrothal is of course after the first husband's death.
2. Lit., 'which were not seen by the arus'. I.e., the first arus died before becoming aware of them.
3. Just as the vows made prior to her first betrothal.
4. Sc. that the father can annul these alone after the death of the arus.
5. Which implies that as long as there is no other authority over her, her father is in authority, and the very least to which this can be applied is to vows of which the arus was not aware, hence the deduction from, 'and if she be at all to an husband' must apply even to vows known to the arus before his death
6. That the husband (arus) can annul the vows of a Bogereth.
7. I.e. by *Kiddushin*, making her an arusah.
8. Since she was under parental control when she made the vow.
9. V. *infra* 73b; there it is seen that the arus can annul the vows of a Bogereth.
10. V. p. 216, n. 1; in the case of a Na'arah the interval between *Kiddushin* (erusin) and nissu'in might not be more than twelve months; in the case of a Bogereth, not more than thirty days. After that, even if the nissu'in were not celebrated, the arus is responsible for her maintenance, though she is still in her father's house.
11. Viz., that we know from elsewhere that the arus can annul the vows of a Bogereth.
12. Though really unnecessary here.

Nedarim 71a

MISHNAH. IF ONE VOWED AS AN ARUSAH, WAS DIVORCED ON THAT DAY AND BETROTHED [AGAIN] ON THE SAME DAY, EVEN A HUNDRED TIMES,¹ HER FATHER AND LAST BETROTHED HUSBAND CAN ANNUL HER VOWS. THIS IS THE GENERAL RULE: AS LONG AS SHE HAS NOT PASSED OUT INTO HER OWN CONTROL FOR [BUT] ONE HOUR, HER FATHER AND LAST HUSBAND CAN ANNUL HER VOWS.²

GEMARA. Whence do we know that the last arus can annul vows known³ to the first arus? — Said Samuel: Because it is written, And if she be at all to an husband, and her vows are upon her:⁴ this implies, the vows that were already 'upon her'.⁵ But perhaps that is only where they [sc. her vows] were not known to her first arus, but those which were known to her first arus, the last arus cannot annul? — 'Upon her' is a superfluous word.⁶

It was taught in accordance with Samuel: A betrothed maiden, her father and her husband annul her vows. How so? If her father heard and disallowed her, and the husband died before he managed to hear, and she became betrothed [again] on the same day, even a hundred times, her father and her last husband can annul her vows. If her husband heard and disallowed her, and before the father heard it the husband died, the father must again annul the husband's portion.⁷ R. Nathan said; That is the view of Beth Shammai; but Beth Hillel maintain: He cannot re-annul.⁸ Wherein do they differ?

1. To a hundred.
2. I.e., that she has never been completely married (with nissu'in) and divorced, in which case she would be her own mistress.
3. Lit., 'seen by'.
4. Num. XXX, 7.
5. I.e., before she was betrothed.
6. Because Scripture could state, now if she be at all to an husband, then as for her vows, or the utterance of her lips, etc. Hence 'upon her' is added to intimate that the last arus can annul vows made during the first betrothal. Now actually the Mishnah may simply mean that if she was betrothed a number of times, the power of annulment always lies with her father and her last husband, and does not necessarily refer to vows made during an earlier betrothal; whilst the phrase 'on that day' may be due to her father, who of course can annul only on the day he heard her vow. But Samuel assumed that it does in fact refer to such vows, and therefore the passage may be understood as though it read, Samuel said; Whence do we know, etc.? Hence this law is ascribed to Samiel rather than to the Mishnah, and consequently the Talmud proceeds to quote a Baraitha in support of Samuel's ruling.
7. It goes without saying that he must annul his own portion. But the Baraitha teaches that he

NEDORIM – 45b-91b

must also annul the husband's portion, because the latter's action is rendered void by his death.

8. Without the co-operation of the second arus. Thus, according to Beth Hillel the second arus has a right of annulment over the vows known to the first arus, which is in support of Samuel.

Nedarim 71b

— Beth Shammai maintain that even in respect to vows known to the arus, his [the husband's] authority passes over to the father; also he [the husband] cuts [the vow] apart;¹ whilst Beth Hillel maintain: Her father and second husband [together] must annul her vow, and the husband does not cut it apart.²

The scholars propounded; Is divorce as silence or as confirmation?³ What is the practical difference? E.g., if she vowed, her husband heard it, divorced and remarried her on the same day: now, if you say it is as silence, he can now disallow her; but should you rule that it is as confirmation, he can not?

1. V. p. 220, n. 4; because he cuts the vow apart, therefore his powers therein are finished when he has annulled it, and consequently, even if she remarries, the father can annul the vow entirely alone, without the co-operation of the second arus.
2. Therefore the husband only weakens it; hence he is not finished with it, and so, on remarriage, his authority is transmitted to the second husband (Ran). Asheri, however, explains that the question whether the father needs the co-operation of the second husband is independent of whether the husband cuts the vow apart or weakens the stringency of the whole; it is mentioned here merely because, as was stated on 69a, they do differ on this question too.
3. If a woman made a vow, and her husband heard it and divorced her on that day, without first annulling the vow.

Nedarim 72a

— Come and hear; When was it said that if the husband dies his authority passes over to the father? If the husband did not hear [the vow], or heard and annulled it, or heard it, was silent, and died on the same day.¹ Now, should you say that divorce is as silence, let him [the Tanna] also teach, 'or heard it and divorced

her'? Since it is not taught thus, it follows that divorce is as confirmation! — Then consider the second clause: But if he heard and confirmed it, or heard it, was silent, and died on the following day, he [the father] cannot annul it.² But if you maintain that divorce [too] is as confirmation, let him also state, 'or if he heard it and divorced her.' But since this is omitted, it proves that divorce is tantamount to silence! Hence no deductions can be made from this; if the first clause is exact, the second clause is stated [in that form] on account of the first; if the second is exact, the first is so taught on account of the second.³

Come and hear; IF SHE VOWED AS AN ARUSAH, WAS DIVORCED ON THAT DAY AND BETROTHED [AGAIN] ON THE SAME DAY, EVEN A HUNDRED TIMES, HER FATHER AND HER LAST HUSBAND CAN ANNUL HER VOWS; this proves that divorce is the equivalent of silence, for if it is as confirmation, can the second arus annul vows which the first arus confirmed?⁴ — No. This refers to a case where the first arus did not hear thereof. If so, why particularly state ON THE SAME DAY? The same holds good even after a hundred days! — This refers to a case where the arus did not hear thereof, but her father did; so that he can annul only on the same day, but not afterwards.

Come and hear: If she vowed on one day, and he divorced her on the same day and took her back on the same day, he cannot annul it.⁵ This proves that divorce is as confirmation! — I will tell you. This refers to a Nesu'ah,⁶ and the reason that he cannot annul is because a husband cannot annul pre-marriage vows.⁷

1. V. 68a, b, and notes.
2. The silence of a whole day is the equivalent of confirmation.
3. I.e., one clause must have been taught with exactitude, and the omission of divorce is intentional; but the other has been stated inexactly, for though divorce could have been included therein, it was omitted for the sake of parallelism.
4. Surely not!
5. Now it is assumed that it refers to mere betrothal.

NEDORIM – 45b-91b

6. I.e., when she finally becomes married to him.
7. I.e., in the case of a Nesu'ah; v. *supra* 67a.

Nedarim 72b

MISHNAH. IT IS THE PRACTICE OF SCHOLARS,¹ BEFORE THE DAUGHTER OF ONE OF THEM DEPARTS FROM HIM FOR NISSU'IN], TO DECLARE TO HER, 'ALL THE VOWS WHICH THOU DIDST VOW IN MY HOUSE ARE ANNULLED'. LIKEWISE THE HUSBAND, BEFORE SHE ENTERS INTO HIS CONTROL [FOR NISSU'IN] WOULD SAY TO HER, 'ALL VOWS WHICH THOU DIDST VOW BEFORE THOU ENTERST INTO MY CONTROL ARE ANNULLED'; BECAUSE ONCE SHE ENTERS INTO HIS CONTROL HE CANNOT ANNUL THEM.²

GEMARA. Rami b. Hama propounded: Can a husband annul [a vow] without hearing [it]:³ is, and her husband heard it,⁴ expressly stated,⁵ or not — Said Raba: Come and hear: IT IS THE PRACTICE OF SCHOLARS, BEFORE THE DAUGHTER OF ONE OF THEM DEPARTS FROM HIM, TO DECLARE TO HER, 'ALL THE VOWS WHICH THOU DIDST VOW IN MY HOUSE ARE ANNULLED'. But he did not hear them!⁶ — Only when he hears them does he annul them. If so, why make a declaration before he hears?⁷ — He [the Tanna] informs us this: that it is the practice of scholars to go over such matters.⁸ Come and hear, from the second clause: LIKEWISE THE HUSBAND, BEFORE SHE ENTERS INTO HIS CONTROL, WOULD SAY TO HER [etc.]! — Here too it means that he said, 'When I hear them.'⁹

Come and hear: If one says to his wife, 'All vows which thou mayest vow until I return from such and such a place are confirmed,' his statement is valueless;¹⁰ [If he said] 'Behold, they are annulled,' R. Eliezer ruled: They are annulled. But he has not heard them!¹¹ — Here too [it means] that he said, 'When I hear them.' Why then state it now? Let him

disallow her when he hears it? — He fears, I may then be busily occupied.¹²

Come and hear: If one says to a guardian,¹³ 'Annul all the vows which my wife may make between now and my return from such and such a place', and he does so: I might think that they are void, therefore Scripture teaches, her husband may establish it, or her husband may make it void.¹⁴ This is the view of R. Josiah. Said R. Jonathan to him: But we find in the whole Torah that a man's agent is as himself!¹⁵ Now, even R. Josiah ruled thus only because it is a Scriptural decree, 'her husband may establish it, or her husband may make it void': but both agree that a man's agent is as himself;¹⁶ but he [the husband] did not hear the vows!¹⁷

1. Lit., 'disciples of the Sages'.
2. Because they are pre-nissu'in vows.
3. I.e., can he declare that if his wife has vowed, he vetoes her vows?
4. Num. XXX, 8.
5. That he can annul only if he heard it.
6. The fact that he generalises, 'ALL THE VOWS' proves this.
7. Since his present annulment is, on this hypothesis, invalid.
8. I.e., to mention this at frequent intervals; the daughter, on hearing this, may confess that she has vowed so and so, and then the father really annuls it.
9. According to the reading of our text, this answer differs from the previous. There it was stated that the father can annul the vows only when he hears them, his purpose in generalizing being to induce his daughter to reveal that she had vowed. Here, however, the answer is that this general annulment will automatically become valid when the husband hears the vow, and another declaration is unnecessary. The reason for the difference is this: since she became a Nesu'ah, and entirely freed from parental control, the father will not be in a position to annul her vows when he hears them; hence he cannot annul them in anticipation either. The husband, on the contrary, will have her even more under his authority when she actually vows; therefore his anticipatory veto is valid.
10. So that he can subsequently annul them.
11. Proving that this is unnecessary.
12. And overlook it; hence the annulment is made now.

NEDORIM – 45b-91b

13. I.e., one appointed to be in charge of his household in his absence.
14. Num. XXX, 14.
15. Hence the guardian's annulment is valid.
16. So that but for the decree, the annulment would be valid.
17. And if it were necessary for him to hear them before making them void, his authorisation to the guardian would be invalid, since a man cannot invest an agent with authority which he himself lacks.

Nedarim73a

— Here too it means that he said, 'When I hear of it, annul it.' But when he hears it, let him annul it himself? — He fears, I may then be busily occupied.

Rami b. Hama propounded: Can a deaf man disallow [the vows of] his wife? Now, should you rule that a husband can annul without hearing, that is because he is capable of hearing; but a deaf man, who is incapable of hearing, falls within R. Zera's dictum, viz., That which is eligible for mixing, [the lack of] mixing does not hinder its validity; whilst that which is not eligible for mixing, [the lack of] mixing hinders its validity?¹ Or perhaps, 'and her husband heard it'² is not indispensable? — Said Raba, Come and hear: 'And her husband heard', — this excludes the wife of a deaf man. This proves it.

The scholars propounded: Can a husband disallow [the vows of] his two wives simultaneously: is the word 'her' particularly stated, or not?³ — Said Rabina, Come and hear: Two suspected wives are not made to drink⁴ simultaneously, because each is emboldened⁵ by her companion.⁶ R. Judah said: It is not [forbidden] on that score, but because it is written, and he shall make her drink.⁷ implying, her alone.⁸

1. The reference is to a meal-offering, in which the flour was mixed with oil. Not more than sixty 'esronim ('isaron, pl. 'esronim, is the tenth part of an ephah) could be thoroughly mixed with oil in the vessels used for that purpose. Hence, if a person vowed a meal-offering of sixty-one 'esronim, sixty were brought in one vessel, and one in another. Whereon R. Zera observed,

though the meal-offering is in fact valid even if not mixed with oil at all, it must be capable of being mixed, and therefore sixty-one esronim in one utensil would be invalid. So here too, though it may be unnecessary for the husband actually to hear the vow, he must be physically able to hear it.

2. I.e., the hearing of the husband.
3. Num. XXX, 9, 'but if her husband disallow her'. I.e., when Scripture uses the singular 'her' in this connection, does it expressly teach that only one wife can be disallowed at a time, or is no particular emphasis to be laid thereon, the singular being the usual mode of expression?
4. V. Num. V, 2 ff.
5. Lit., 'her heart swells'.
6. The consciousness that another is undergoing the same ordeal emboldens each not to confess.
7. Ibid. 74; In Tosef. Neg. the verse quoted is, and the Priest shall bring her near, ibid. 16. [MS.M. reads: because it is written 'her', the reference either to verse 16 or 19, 'The priest shall cause her to swear'. V. Sot. (Sonc. ed.) p. 32. n. 2.]
8. Hence the same applies to vows: in R. Judah's view, two wives cannot have their vows disallowed simultaneously; in the opinion of the first Tanna, they can.

Nedarim 73b

MISHNAH. [IN THE CASE OF] A BOGERETH WHO TARRIED TWELVE MONTHS, AND A WIDOW [WHO TARRIED] THIRTY DAYS,¹ — R. ELIEZER SAID; SINCE HER [BETROTHED] HUSBAND IS RESPONSIBLE FOR HER MAINTENANCE, HE MAY ANNUL [HER VOWS]. BUT THE SAGES SAY: THE HUSBAND CANNOT ANNUL UNTIL SHE ENTERS INTO HIS CONTROL.²

GEMARA. Rabbah said: R. Eliezer and the early Mishnah³ taught the same thing. For we learnt; A virgin is given twelve months to provide for herself.⁴ When the twelve months expire,⁵ she must be supported by him [i.e., her arus] and may eat *Terumah*.⁶ But the yabam⁷ does not authorize her to eat *Terumah*.⁸ If she spent six months in the lifetime of⁹ her husband [the arus], and six months in that of the yabam,¹⁰ or even the whole period less one day in the lifetime of her husband, or the whole period less one day in that of the yabam, she may not eat *Terumah*:

NEDORIM – 45b-91b

this is the early Mishnah. But a subsequent *Beth Din*¹¹ rules: No woman can partake of *Terumah* until she enters the huppah.¹² Said Abaye to him, Perhaps it is not so. The early Mishnah informs us in respect of [her] eating *Terumah*, which is [forbidden merely by] a Rabbinical enactment,¹³ but as for vows, which are Biblically binding, I may say that it is not so. And you know R. Eliezer's view¹⁴ only in respect to vows for the reason which R. Phinehas said in Raba's name, viz.: Every [woman] who vows, vows conditionally upon her husband's assent.¹⁵ But as for *Terumah*, it may well be that though [forbidden only by] a Rabbinical precept,¹⁶ she may not eat thereof.

1. V. *supra* 70b.
2. V. *supra*, 70b.
3. 'Early Mishnah' bears various connotations. Sometimes it simply means the earlier view of a particular school, which subsequently gave a different ruling (v. Hag. 2a, where, however, the term does not occur in the Mishnah itself but is used by an Amora to differentiate between the earlier and the later views of Beth Hillel). Elsewhere it may denote the collection of Mishnaic material made by the 'elders of Beth Shammai and Beth Hillel'; as such it is brought into contrast with the rulings of later Rabbis, e.g., R. Akiba; v. Sanh. III, 4; 'Ed. VII, 2. But it is also used to differentiate between the views of earlier and later Rabbis. Thus, in the present instance, the term connotes the views of R. Tarfon and R. Akiba (v. Keth. 57a), with which 'a later Beth Din' (v. text *infra*) differed; here, too the term is so used by an Amora.
4. I.e., to make the necessary preparations for marriage, such as acquiring a trousseau; the reference is to an arusah, and twelve months is the maximum that may elapse before the nissu'in without either side having legal cause for complaint.
5. While nissu'in was still postponed.
6. If the daughter of an Israelite is betrothed to a priest, she may eat *Terumah*, as is deduced from Lev. XXII, 11. By a Rabbinical law, however, she is forbidden until after the nissu'in: but if twelve months have elapsed, she is permitted.
7. The levir, v. *Glos.*
8. V. n. 5: on the priest's death she reverts to her former status, and even if there is no issue, so that she is bound to marry the yabam, this tie does not permit her to eat *Terumah*.
9. Lit., 'in the presence of'.
10. I.e., the arus having died within the twelve months.

11. '*Beth Din*', which is now generally taken to mean a court of law, was originally the court or college which decided on civil and religious questions; (v. J.E., s.v. *Beth Din*.)
12. V. *Glos.* i.e., until the home-taking, v. Keth. 57a. — Thus both R. Eliezer in our Mishnah and the early Mishnah maintain that after twelve months they are regarded as completely married: R. Eliezer, in that the husband can annul her vows; the early Mishnah, in that his wife may eat *Terumah*.
13. V. p. 231, n. 5.
14. That the period of twelve months establishes quasi nissu'in.
15. Though the stipulation is not expressed, in recognition of her dependence upon him, since he maintains her. Hence the same holds good of an arus after twelve months, who also must provide for her.
16. This interpretation of the phrase *Terumah* of the Rabbis follows Asheri.

Nedarim 74a

MISHNAH. IF A WOMAN WAITS FOR A YABAM,¹ WHETHER FOR ONE OR FOR TWO,² — R. ELIEZER RULED: HE [THE YABAM] CAN ANNUL [HER VOWS]. R. JOSHUA SAID: [ONLY IF SHE WAITS] FOR ONE, BUT NOT FOR TWO. R. AKIBA SAID; NEITHER FOR ONE NOR FOR TWO. R. ELIEZER ARGUED: IF A MAN CAN ANNUL THE VOWS OF A WOMAN WHOM HE ACQUIRED HIMSELF, HOW MUCH THE MORE CAN HE ANNUL THOSE OF A WOMAN GIVEN TO HIM BY GOD!³ SAID R. AKIBA TO HIM; IT IS NOT SO; IF YOU SPEAK OF A WOMAN WHOM HE ACQUIRES HIMSELF, THAT IS BECAUSE OTHERS HAVE NO RIGHTS IN HER; WILL YOU SAY [THE SAME] OF A WOMAN GRANTED TO HIM BY GOD, IN WHOM OTHERS TOO HAVE RIGHTS!⁴ R. JOSHUA SAID TO HIM: AKIBA, YOUR WORDS APPLY TO TWO YEBAMIM; BUT WHAT WILL YOU ANSWER IF THERE IS ONLY ONE YABAM? HE REPLIED, THE YEBAMAH IS NOT AS COMPLETELY UNITED TO THE YABAM⁵ AS AN ARUSAH IS TO HER [BETROTHED] HUSBAND.⁶

NEDORIM – 45b-91b

GEMARA. It is well according to R. Akiba, for he maintains that the bond [wherewith she is bound to the yabam] involves no legal consequences;⁷ also according to R. Joshua, who maintains that the tie is a real one.⁸ But what is R. Eliezer's reason? Even if the tie is a real one, selection is not retrospective?⁹ — R. Ammi answered: [The circumstances are] e.g., that he [the yabam] made a [betrothal] declaration,¹⁰ R. Eliezer ruling with Beth Shammai that a declaration completely acquires.¹¹ But R. Joshua says thus: That applies only to one yabam, but not to two yebamin; for can there be such a case that though when his brother comes he can prohibit her to him by cohabitation or divorce, and yet he [the first] can annul!¹² Whilst R. Akiba maintains that the bond carries with it no legal consequences. Now, according to R. Eleazar,¹³ who maintained that in the opinion of Beth Shammai a declaration is binding only in that it renders her co-wife¹⁴ ineligible,¹⁵ what can be said?¹⁶ — The reference here is to one who had come before Court and been ordered to support her;¹⁷ and [the law] is in accordance with the dictum of R. Phineas in Raba's name: Every woman who vows, vows conditionally upon her husband's assent.

1. This is the designation of the widow between the death of her husband and her union with or rejection by the yabam.
2. If there is more than one, she waits for all, as anyone may marry or free her.
3. Lit., 'heaven'. The yabam acquires his sister-in-law through a Biblical precept.
4. I.e., all the brothers of the deceased have the same rights in her.
5. [MS.M.: HER HUSBAND v. *infra* p. 236, n. 3.]
6. The meaning of this is discussed below.
7. Lit., 'there is no real tie'. E.g., in respect of vows this tie gives him no right of veto.
8. Hence, if there is only one yabam, he can annul her vows, but not if there are two, since it is not clear which will take her.
9. Bererah, a term denoting retrospective validity of a subsequent selection. CF. *supra* Mishnah 45b, v. [Glos.](#) Thus, here, when she vows, it is not clear which yabam will eventually marry her. [Unlike, however, elsewhere in the Talmud where this principle is debated and gives rise to difference of opinion, its application here would not be retro-active, as we are not considering whether the annulment by one yabam before

marriage becomes effective after marriage, but whether it takes effect immediately. And in regard to this it is taken as axiomatic that there is no bererah, as in the case of two yebamim it cannot be stated with certainty which of the two will be her husband (cf. Adereth. S. *Kiddushin*). The term bererah is accordingly used here in a loose sense and in fact does not occur in the parallel passage, Yeb. 29b; v. a.l.]

10. rntn in reference to a yabam means a formal declaration, 'be thou betrothed to me'.
11. I.e., by means of this declaration she is his wife in all legal respects; hence that yabam can annul her vows. — The view of Beth Hillel is that only cohabitation effects this.
12. I.e., even in Beth Shammai's view a declaration is a legal betrothal only if there is but one yabam, but not if there are two. Because even after the declaration, if the other cohabited with her or divorced her, she is forbidden to the first.
13. An Amora; the Tanna in the Mishnah is R. Eliezer.
14. Two or more wives of the same husband are co-wives (Zaroth) to each other.
15. Lit., to reject the co-wife'. In the following case; A, B and C, are three brothers, A and B being married to X and Y, two sisters. If A dies childless and C makes a declaration to X (but does not consummate the marriage), and then B dies childless too, Beth Shammai rule that X, A's widow, remains C's wife; hence Y, B's wife and the would-be co-wife of X, is ineligible to him, since one cannot take in marriage a yebamah who is also his wife's sister. Thus we see that Beth Shammai rule that the declaration made by C is Biblically valid as betrothal, for otherwise he would be regarded as having become the yabam of two sisters simultaneously, in which case a different law applies. Thereon R. Eleazar observed, only in this respect did Beth Shammai hold a declaration to be Biblically binding; but should he subsequently desire to free her, a divorce is not sufficient (as it would be had the marriage been consummated), but *halizah* too is needed.
16. Since then she is not his wife in all respects, why can he annul her vows?
17. If the yabam delayed to marry or free her, she could claim support from him. V. Yeb. 41b.

Nedarim 74b

We learnt: R. ELIEZER ARGUED, IF HE CAN ANNUL THE VOWS OF A WOMAN WHOM HE ACQUIRED HIMSELF, SURELY HE CAN ANNUL THOSE OF A WOMAN GIVEN TO HIM BY GOD! But if it

NEDORIM – 45b-91b

means that he made her a declaration, it is [also] a case of acquiring her himself? — It means that he acquired her himself through the instrumentality of Heaven.¹

You may [now] solve Rabbah's problem? [Viz.,] in the view of Beth Shammai, does a declaration effect erusin or nissu'in?² You can solve it that it effects nissu'in; for if it effects erusin, surely we learnt, [In the case of] a betrothed maiden, her father and [betrothed] husband [jointly] annul her vows?³ Said R. Nahman b. Isaac: What is meant by 'He can annul [her vows]'? He can annul [them] in conjunction with her father.⁴

It was taught likewise as R. Ammi: If a woman waits for a yabam, whether for one or for two, — R. Eliezer ruled: he can annul [her vows]; R. Joshua said: [Only if she waits] for one, but not for two; R. Akiba said, Neither for one nor for two. R. Eliezer argued: If a woman, in whom he has no portion at all until she comes under his authority [by marriage], yet once she comes under his authority, she is completely his;⁵ then a woman in whom he has a portion even before she comes under his authority,⁶ when she does come under his authority, she is surely completely his! Said R. Akiba, No. If you say this in the case of a woman whom he acquires himself, that is because just as he has no portion in her [before marriage], so have others no portion in her; will you say [the same] of a woman gifted to him by God, in whom, just as he has a portion, so have others too a portion in her! Thereupon R. Joshua said to him: Akiba, your words apply to two yebamim: what will you answer in respect of one yabam? He replied: Have we then drawn a distinction [in other respects] between one yabam and two yebamim, whether he makes her a declaration or not? and just as it is in reference to other matters, so it is in reference to vows.⁷ Thus did Ben 'Azzai lament, 'Woe to thee, Ben 'Azzai, that thou didst not study under R. Akiba.'⁸ How

1. Scripture in the first place giving him a unique right in her.
2. On the hypothesis that the Mishnah refers to a yabam who made a declaration.

3. Whilst this Mishnah merely mentions the yabam.
4. Though the Mishnah does not state it, that is merely because it deals only with the question whether a yabam has annulment rights at all, without inquiring into the extent of such rights.
5. That he may annul her vows either alone (after nissu'in) or in conjunction with her father.
6. The yabam has a presumptive claim upon her as soon as her husband dies childless.
7. The reference is explained on 75a; — hence, since one of two yebamim cannot annul, one himself is also unable to annul. Lit., 'wait in attendance upon R. Akiba'.
8. He was so impressed with the keen intellect displayed by R. Akiba in this controversy, that he voiced his regret at not having studied under him. — Ben 'Azzai was a younger contemporary of Akiba, and in spite of this lament he followed R. Akiba in *Halachah* and exegesis; whilst his tone towards him is that of a pupil to his teacher. For that reason the Amoraim concluded that he was a disciple-colleague. V. Weiss. Dor. II, 112. Jer. B.B. IX, 17b; Bab. *ibid.* 158b; Jer. Shek. III, 47b.

Nedarim 75a

does this Baraitha support R. Ammi? — Because it states, 'whether he made her a declaration or not.'¹ Alternately, [it follows] from the first clause, which States, 'then when she does come under his authority, she is surely completely his': but if he did not betroth her, how is she completely his? Hence it follows that he had made a declaration to her.

What is meant by 'and just as it is in reference to other matters, so it is in reference to vows'? — Said Raba, It means this: Do you not admit that one is not stoned for [violating] her, as in the case of a betrothed maiden?² R. Ashi said, The Mishnah too supports [this interpretation]:³ THE YEBAMAH IS NOT AS COMPLETELY UNITED TO HER [BETROTHED] HUSBAND AS AN ARUSAH TO HER [BETROTHED] HUSBAND.⁴

MISHNAH. IF A MAN SAYS TO HIS WIFE, 'ALL VOWS WHICH YOU MAY VOW FROM NOW UNTIL I RETURN FROM SUCH AND SUCH A PLACE ARE CONFIRMED,' THE STATEMENT IS VALUELESS; [IF HE SAID] 'BEHOLD,

NEDORIM – 45b-91b

THEY ARE ANNULLED,' — R. ELIEZER RULES, THEY ARE ANNULLED; THE SAGES MAINTAINED, THEY ARE NOT ANNULLED. SAID R. ELIEZER: IF HE CAN ANNUL VOWS WHICH HAVE ALREADY HAD THE FORCE OF A PROHIBITION,⁵ SURELY HE CAN ANNUL THOSE WHICH HAVE NOT HAD THE FORCE OF PROHIBITION! THEY SAID TO HIM: BEHOLD, IT IS SAID, HER HUSBAND MAY ESTABLISH IT, AND HER HUSBAND MAY ANNUL IT;⁶ THAT WHICH HAS ENTERED THE CATEGORY OF CONFIRMATION, HAS ENTERED THE CATEGORY OF ANNULMENT;⁷ BUT THAT WHICH HAS NOT ENTERED THE CATEGORY OF CONFIRMATION, HAS NOT ENTERED THE CATEGORY OF ANNULMENT.

GEMARA. The scholars propounded: In R. Eliezer's view, do they take effect and [then] become annulled, or do they take no effect at all? What is the practical difference?

1. Which proves that the former is the case here, as otherwise this is irrelevant.
2. Even if a declaration was made, her seducer is not stoned: this proves that she is not yet his wife, and therefore the same is true of vows.
3. [That R. Akiba based his argument on the penalty for violation, and consequently that the Mishnah deals with the case where a declaration was made, (cf. Rashi).]
4. [Since he is designated as her husband, this shows that we deal with a case where he made a declaration (Rashi); v. *supra* p. 233, n. 1.] And the reference can only be to the penalty for violation.
5. I.e., after they are made.
6. Num. XXX, 14.
7. Having been made, it can be confirmed, and hence annulled too.

Nedarim 75b

— E.g., if another man makes a vow dependent on this.¹ Now, if you say that [the wife's vows] take effect, the dependence is a real one;² but if you say that they take no effect, there is no substantiality in it.³ What [is the law]? — Come and hear: SAID R. ELIEZER, IF HE CAN ANNUL VOWS

WHICH HAVE ALREADY HAD THE FORCE OF A PROHIBITION, SURELY HE CAN ANNUL VOWS WHICH HAVE NOT HAD THE FORCE OF PROHIBITION! This proves that they take no effect at all. — [No.] Is it then stated, which do not have the force, etc.: WHICH HAVE NOT HAD THE FORCE OF PROHIBITION is taught, [meaning], which have not yet had the force of a prohibition.⁴

Come and hear: R. Eliezer said to them. If where a man cannot annul his own vows, once he has vowed,⁵ he can nevertheless annul his own vows before making them;⁶ then where he can annul his wife's vows after she vowed, how much the more should he be able to annul them before she vows! Now, surely this means that his wife's [vows] are like his: just as his vows take no effect at all,⁷ so his wife's vows too would take no effect at all! — No: each is governed by its own laws.⁸

Come and hear: They answered R. Eliezer: If a Mikweh,⁹ though it raises the unclean from their uncleanness, cannot nevertheless save the clean from becoming unclean;¹⁰ then a man, who cannot raise the unclean from their uncleanness,¹¹ how much the more can he not save the clean from becoming unclean.¹² This proves that they¹³ take no effect at all.¹⁴

1. Lit., 'attached to them'. I.e., if the wife vowed, 'Behold, I will be a Nazirite'; and another person exclaimed, 'And I likewise'.
2. Hence the second vow is valid.
3. And the vow made dependent upon the wife's vow is invalid.
4. Yet they may take effect only, however, to be immediately made void.
5. I.e., every person excepting a married woman.
6. By an anticipatory declaration of annulment; v. *supra* 23b.
7. If preceded by a declaration of annulment; for if they did take effect, only a Rabbi could grant absolution. Moreover, the anticipatory annulment, forgotten at the time of actual vowing, renders it a vow made in error, which ab initio is no vow. Cf. *supra* 23b.
8. Though one is deduced from the other, it is not necessary to assume similarity in all respects. An anticipatory annulment of one's own vows prevents them from taking effect at all, whilst if

NEDORIM – 45b-91b

applied to his wife's, they may take effect and become void.

9. A ritual bath, by immersion in which unclean persons or things are purified.
10. I.e., one cannot take a ritual bath to be kept clean, should he subsequently come into contact with defiling matter.
11. Rashi; if a man swallowed an unclean ring and then took a ritual bath, the ring, since it is within him, is not purified, but remains defiled after excretion.
12. If he swallows a clean ring, and then comes in contact with the dead, the ring ought to become unclean, whereas the law is that it remains clean (Ran), v. Hul. 71a. — So also, though a husband can annul a vow when made, he cannot before. So cur. edd. and Rashi. Asheri and Ran have a simpler and more effective reading: They replied to R. Eliezer, Let the Mikweh prove it, which frees the unclean from their uncleanness, yet cannot prevent the clean from becoming unclean. So also, a husband may annul his wife's vow after it has become binding, but not before.
13. Sc. the wife's vows annulled in anticipation.
14. Since they draw an analogy from a Mikweh, which cannot prevent a clean man from becoming unclean, it follows that in R. Eliezer's view the husband's annulment prevents the vow from taking effect at all.

Nedarim 76a

Then consider the second clause: They [the Rabbis] said to R. Eliezer: If an unclean utensil is immersed in order to purify it, shall a clean utensil be immersed, so that on [subsequently] becoming defiled it shall [simultaneously] become clean!¹ This proves that they do take effect.² — I will tell you: The Rabbis were not clear as to R. Eliezer's standpoint. Hence they said thus to him: What is your opinion? If you maintain that they [the vows] take effect, but are annulled, you are refuted by [the analogy of] a utensil; whilst if you do not hold that they take effect, the Mikweh is your refutation.

Come and hear: R. Eliezer said to them: If defiled seeds are rendered clean by being sown in the soil, how much more so if [already] sown and rooted [in the soil]!³ This proves that they do not take effect at all.

Now, do not the Rabbis admit the validity of [such] an *ad majus* conclusion? Surely it was taught: I might think that a man can sell his daughter when a *Na'arah*:⁴ — But you can argue a *minori*: if she who was already sold goes free,⁵ is it not logical that if not sold yet, she cannot be sold [now]!⁶

1. Surely not.
2. Since they compare it to the prior immersion of a utensil to render it clean after it has become defiled.
3. That they certainly cannot be defiled. Thus also vows: if a vow can be annulled when already in force, surely the annulment can operate to prevent it from coming into force!
4. The reference is to Ex. XXI, 7.
5. On attaining the *Na'arah* stage.
6. V. Kid. 4a. This reasoning is exactly analogous to R. Eliezer's. The Talmud interposes that no verse is required.

Nedarim 76b

— Yes: elsewhere they do draw an *ad majus* conclusion, but here it is different, because Scripture writes, Her husband may confirm it, and her husband may annul it:¹ [teaching], that which has entered the category of confirmation, has entered the category of annulment; but that which has not entered the category of confirmation, has not entered the category of annulment.

MISHNAH. [THE PERIOD ALLOWED FOR] THE ANNULMENT OF VOWS IS THE WHOLE DAY:² THIS MAY RESULT IN GREATER STRINGENCY OR GREATER LENIENCY.³ THUS, IF SHE VOWED ON THE NIGHT OF THE SABBATH, HE CAN ANNUL ON THE NIGHT OF THE SABBATH AND ON THE SABBATH DAY UNTIL NIGHTFALL. IF SHE VOWED JUST BEFORE NIGHTFALL,⁴ HE CAN ANNUL ONLY UNTIL NIGHTFALL: FOR IF NIGHT FELL AND HE HAD NOT ANNULLED IT, HE CAN NO LONGER ANNUL IT.

GEMARA. It was taught: [The period allowed for] the annulment of vows is the whole day. R. Jose son of R. Judah and R. Eliezer son of R.

NEDORIM – 45b-91b

Simeon maintained: Twenty-four hours.⁵ What is the reason of the first Tanna? — Scripture saith, [But if her husband disallowed her] on the day that he heard it.⁶ And what is the reason of the Rabbis? — Because it is written, [But if her husband altogether holds his peace at her] from day to day.⁷ But on the view of the first Tanna, surely it is written, 'from day to day'? — That is necessary. For were [only] 'on the day that he heard it' [written], I would say, only by day,⁸ but not by night; therefore it is written, 'from day to day'.⁹ Now, according to him who cites 'from day to day', is it not written, 'on the day that he heard it'? — That is necessary. For were only 'from day to day' written, I would think that he can annul her vows from [e.g.,] the first day of one week to the first day of the following;¹⁰ therefore it is written, 'on the day that he heard it'.

R. Simon b. Pazzi said in the name of R. Joshua b. Levi: The *Halachah* is not in accordance with that pair.¹¹ Levi wished to give a practical decision in accordance with these Tannaim; whereupon Rab said to him, Thus said my dear relative,¹² The *Halachah* is not in accordance with that pair. Hiyya b. Rab used to shoot arrows and at the same time examine [a person] desirous of absolution;¹³ Rabbah b. R. Huna would [repeatedly] sit down and stand up.¹⁴

1. Num. XXX, 14.
2. In which the husband or father learns of the vow.
3. 'Stringency' and 'leniency' are not quite relevant in this connection, the meaning being that by thus fixing a calendar day, i.e., a night and a day, the period for annulment may be shorter or longer, as the case might be.
4. At the close of the Sabbath.
5. Lit., 'from time to time', from the hour the vow is made until the same hour the following day.
6. Num. XXX, 9. By 'day' a calendar day is understood: V. n. 6.
7. Num. XXX, 15: v. p. 239, n. 8: the same is implied in 'from day to day.'
8. I.e., he can annul the vow.
9. Which naturally includes the night.
10. So interpreting the phrase.
11. Viz., R. Jose b. R. Judah and R. Eliezer b. R. Simeon.

12. Sc. Hiyya b. Rab, his uncle.
13. Hiyya b. Rab just having been mentioned, another thing is stated about him, viz., that he took absolution very lightly, granting it even whilst engaged in other pursuits.
14. In the earnestness of his examination, he could not keep in his place. [Cf. *supra* 23a. Ran: 'would keep seated or standing', not taking the matter too seriously.]

Nedarim 77a

We learnt elsewhere: Vows may be annulled¹ on the Sabbath, and absolution from vows² may be sought where it is necessary for the Sabbath.³ The scholars propounded: May vows be annulled on the Sabbath only if it is needed for the Sabbath, or perhaps, even if it is unnecessary?⁴ Come and hear: For R. Zuti, of the school of R. Papi, learnt: Vows may be annulled [on the Sabbath] only if necessary for the Sabbath. Said R. Ashi: But we did not learn thus; IF SHE VOWED JUST BEFORE NIGHTFALL, HE CAN ANNUL ONLY UNTIL NIGHTFALL. But if you rule [that he can annul] only when it is necessary for the Sabbath, but not otherwise, why say, UNTIL NIGHTFALL; he cannot annul even by day,⁵ since it is unnecessary for the Sabbath?⁶ — It is a controversy of Tannaim: [The period allowed for] the annulment of vows is the whole day. R. Jose son of R. Judah and R. Eliezer son of R. Simeon maintained: Twenty-four hours. Now, on the view that [they can be annulled only] the whole of that day, but not thereafter, [it follows that] he can annul them even if unnecessary for the Sabbath;⁷ but on the view [that he has] twenty-four hours, [he can annul] only if it is necessary for the Sabbath, but not otherwise.

'And absolution from vows may be sought where it is necessary for the Sabbath'. The scholars propounded: Is that only if one had no time [to seek absolution before the Sabbath], or perhaps even if he had time? — Come and hear: For the Rabbis gave a hearing to the son of R. Zutra son of R. Ze'ira [to grant him absolution] even for vows for which there was time before the Sabbath.⁸

NEDORIM – 45b-91b

Now, R. Joseph thought to rule that absolution may be granted² on the Sabbath only by a single ordained scholar, but not by three laymen, because it would look like a lawsuit.¹⁰ Said Abaye to him: Since we hold that [those who grant it] may stand, be relatives, and [absolve] even at night, it does not look like a lawsuit.¹¹

R. Abba said in the name of R. Huna in the name of Rab: The *Halachah* is that vows may be annulled on the Sabbath. But this is [explicitly taught in] our Mishnah: IF SHE VOWED ON THE NIGHT OF THE SABBATH [ETC.]?¹² — But say thus: The *Halachah* is that absolution¹³ may be sought at night. R. Abba said to R. Huna, Did Rab really say thus? Said he, He was silent.¹⁴ Do you say, 'He was silent', or, 'he was drinking'? asked he.¹⁵ — R. Ika b. Abin said: Rab gave a hearing to Rabbah [to grant him absolution]

1. By a husband or father, as the case may be.
2. From a sage.
3. I.e., where the absolution is necessary for the Sabbath. E.g., if one vowed not to eat, which clashes with the joyous spirit of the Sabbath.
4. I.e., does the last condition, 'where it is necessary for the Sabbath,' refer to the whole Mishnah, or only to absolution? — By 'annulment' the annulment by a father or husband is meant.
5. The reference being to a vow made on the Sabbath; v. Mishnah.
6. The vow having been made just before nightfall, it cannot be necessary for the sake of the Sabbath to annul it.
7. Since we cannot abrogate his right of annulment altogether.
8. Lit., 'whilst yet day.'
9. Lit., 'sought'.
10. Three judges are necessary for that, and it must not take place on the Sabbath.
11. Because in a lawsuit the judges must be seated, may not be relatives of the litigants, and it may not take place at night.
12. Which shows that the husband can annul vows on Sabbath.
13. From a Sage.
14. Heb. [H]; this bears a close resemblance to drinking, and R. Abba seems not to have quite caught his reply.
15. So Rashi: Do you mean that you stated this *Halachah* before him and that he remained silent, which you interpreted as assent: or that he was drinking at the time, and could make no

comments? Other versions, based on different readings: R. Huna asked, Would you offer me a drink, or do you say that he was silent, i.e., do you question me because you agree, and desire Rab's authority for it, or do you disagree, and suggest that Rab was silent when I stated this law, deeming it unworthy even of refutation? Or: do you offer me a drink (in approval), or silence me (in disapproval)? — In all these cases, the alternatives are expressed by words very similar to each other.

Nedarim 77b

in a chamber of the College, whilst standing, alone, and at night.¹

Raba said in R. Nahman's name: The *Halachah* is that absolution from vows may be granted standing, alone, and at night, on the Sabbath, by relatives, and even if there was time before the Sabbath [to seek absolution]. 'Standing'? But it was taught: R. Gamaliel descended from the ass, wrapped himself [in his robe], sat down, and absolved him?² — R. Gamaliel held that [the Rabbi] must give an 'opening' for regret, so that the vow may be revoked ab initio; this requires deep thought; therefore he sat down.³ But in R. Nahman's opinion no opening for regret is necessary;⁴ therefore he [the Rabbi] can stand.⁵

Raba said to R. Nahman: Behold, Master, a scholar, who came from the west [i.e., Palestine], and related that the Rabbis gave a hearing to the son of R. Huna b. Abin and absolved him of his vow, and then said to him, 'Go, and pray for mercy, for you have sinned. For R. Dimi, the brother of R. Safra, learnt: He who vows, even though he fulfils it, is designated a sinner.' R. Zebid said: What verse [teaches this]? — But if thou shalt forbear to vow, it shall be no sin in thee;⁶ hence, if thou hast not forborne, there is sin.

It was taught: If a man says to his wife, '[In respect to] all vows which you may make, I object to your vowing,' or, 'they are no vows,' the declaration is valueless.⁷ [If he says,] 'You have done well,' or, 'there is none like you,'⁸ or, 'had you not vowed, I myself would have

NEDORIM – 45b-91b

imposed a vow upon you.⁹ — these declarations are effective.¹⁰

A man should not say to his wife on the Sabbath, 'It is annulled for you,' or, 'made void for you,' as he would say on week-days, but, 'Take and eat it,' 'Take and drink it,'¹¹ and the vow becomes automatically void.¹² R. Johanan observed: Yet he must annul it in his heart.¹³ It was taught: Beth Shammai say: On the Sabbath he must annul it in his heart; on week-days he must express [his annulment] with his lips. But Beth Hillel say: In both cases he may annul it in his heart, and need not express it with his lips.¹⁴

R. Johanan said: If a Sage employs a husband's phraseology, or a husband that of a Sage, their pronouncements are invalid.¹⁵ For it was taught: This is the thing [which the Lord hath commanded]:¹⁶ [this teaches], only a Sage may absolve, but a husband cannot absolve.¹⁷ For I might think, If a Sage, who cannot annul, can absolve, surely a husband, who may annul, can also absolve! Therefore it is stated,

1. The former question is left unanswered, but this incident is quoted to show that Rab himself acted on this ruling. — So cur. edd. But other readings introduce this by 'come and hear.'
2. This happened once when R. Gamaliel was travelling from Acco to Chezib. On the way he was accosted by a man who demanded to be absolved from a vow.
3. The Rabbi must find grounds sufficiently strong to make him regret his now (v. *supra* 21b). Such grounds are not easily found. But sitting is not essential for the actual granting of absolution.
4. [Even if he expresses no regret for ever having made the vow, but merely wishes to be absolved from it from now on, the Sage may revoke it; (v. Rashi 'Er. 64a).]
5. So cur. edd. and Rashi, Ran and Asheri reverse the reading, though the final result remains unaltered. Thus: R. Gamaliel held that mere (present) regret does not afford an 'opening', i.e., grounds for absolution, but some fact, which, had it been present to the mind of the person vowing, would have caused him to desist, so that the vow may be voided from its very beginning, etc.
6. Deut. XXIII, 23.

7. Because it is not the correct way of annulment. — So Rashi, on the basis of our reading, and likewise one version of Ran.
8. An expression of satisfaction.
9. This must not be taken that in Talmudic times the husband could impose a vow upon his wife, the expression merely being one of approval. In the chapter dealing with vows (Num. XXX) the husband is merely given powers of annulment, not to impose vows; in fact, no person is empowered to impose vows upon another; but v. Weiss, Dor. 1, p. 15.
10. I.e., they are perfect confirmations, which cannot be withdrawn by subsequent annulment. — 'Effective' is followed by two dots (:), which denotes the completion of a subject, the next word commencing a new one. As, however, the next passage is not preceded in our text by 'It was taught' nor by any other word which generally introduces a new passage, it is possible that the dots have crept into the editions in error. But in the version of Ran the next passage is preceded by 'It has been taught' (v. Marginal Glosses to Wilna edition).
11. If she vowed not to eat or drink.
12. To preserve the sanctity of the Sabbath one should not use the same phraseology as of week-days.
13. Formally: 'it is annulled for thee.'
14. Of annulment, it being sufficient to say 'Take and eat it.'
15. A husband must say, [H] 'It is annulled for thee'; a Sage, [H] 'It is permitted thee'. [The difference in the phraseology employed by Sage and husband is determined by the distinct function of each. The Sage revokes the vow, rendering it void ab initio, whereas the husband annuls it that it may not be binding for the future (Ran).]
16. Num. XXX, 2. 'This is the thing' implies that the following enactments must be exactly carried out.
17. Absolution by a Sage is deduced from the next verse.

Nedarim 78a

'This is the thing', [implying] only a Sage can absolve, but a husband cannot absolve. Another [Baraita] taught: 'This is the thing', [teaches,] [only] a husband may annul, but a Sage cannot annul. For I might think, If a husband, who cannot absolve, can annul; surely a Sage, who may absolve, can also annul! Therefore it is stated, 'This is the thing', [implying,] a husband can annul, but a Sage cannot annul. [Further:] It is here stated, This

NEDORIM – 45b-91b

is the thing; whilst elsewhere, in connection with [sacrifices] slaughtered without [the Temple Court], it is also written, This is the thing [which the Lord hath commanded]:¹ just as in the latter case, Aaron, his sons, and all Israel [are included in the law],² so does the chapter on vows relate to Aaron, his sons, and all Israel; and just as here, the heads of the tribes [are particularly addressed],³ so there too [the reference is] to the heads of the tribes. In respect of what law [is this deduced] in the chapter of vows? — Said R. Aha b. Jacob: To teach that three laymen are qualified [to grant absolution]. But is not 'the heads of the tribes' stated?⁴ — R. Hisda, — others state R. Johanan — answered: [That intimates that] a single ordained scholar [can absolve].⁵ For what purpose are the heads of the tribes related to [sacrifices] slaughtered without? — R. Shesheth said: To teach that the law of revocation applies to Hekdesh.⁶ But according to Beth Shammai, who maintained that Hekdesh cannot be revoked, for what purpose are the heads of the tribes related to [sacrifices] slaughtered without? — Beth Shammai do not admit [the validity of] this *Gezerah Shawah*. Now, for what purpose is 'this is the thing' written in the chapter on vows? — To teach that only a Sage may absolve, but a husband cannot absolve; and that only a husband can annul, but a Sage cannot annul. Why is 'this is the thing' related to [sacrifices] slaughtered without? — To teach that one incurs guilt only for slaughtering [without the prescribed place], but not for wringing [a bird's neck outside].⁷

Then on the view of Beth Shammai, whence do we know that three laymen are valid?⁸ — They deduce it from [the teaching reported by] R. Assi b. Nathan. For it is written, And Moses declared unto the children of Israel the set feasts of the Lord.⁹ Whereon it was taught. R. Jose the Galilean said: The festivals were stated, but not the Sabbath of the Creation¹⁰ with them: Ben 'Azzai said: The festivals were stated, but not the chapter on vows with them. Now, this Baraitha was unintelligible to R. Assi b. Nathan, so he went to Nehardea, before R. Shesheth. Not finding him there, he

followed him to Mahuza,¹¹ and said to him: 'The festivals were stated, but not the Sabbath of the Creation with them': but the Sabbath is written together with them.¹² Furthermore, the festivals were stated, but not the chapter on vows with them, but that is written alongside thereof!¹³ — Said he to him, It means this:

1. Lev. XVII. 2.
2. The verse commences, Speak unto Aaron, and unto his sons, and unto all the children of Israel.
3. Num. XXX, 2: And Moses spake unto the heads of the tribes concerning the children of Israel.
4. This, in the case of vows, implies the ordained scholars.
5. For since the *Gezerah Shawah* (v. [Glos.](#)) based on 'this is the thing' relates all Israel to vows, whilst 'the heads of the tribes' specifies scholars, the discrepancy can be reconciled only by assuming that either one ordained scholar or three laymen may absolve. — One layman being insufficient, three (not two) are required, as in the case of a *Beth Din*.
6. V. [Glos.](#) I.e., if one consecrates an animal, which is really a form of vow, and then slaughters it without the Temple court, he can be absolved of his vow, thus revoking his consecration, whereby he is found to have slaughtered an unconsecrated animal.
7. The passage reads: This is the thing which the Lord hath commanded ... what man that slaughtered an ox ... and bringeth it not unto the door of the tabernacle of the congregation, etc.; yishhat ('slaughtered'), implies cutting the throat (cf. shehitah). A bird sacrifice was killed by its neck being wrung, Lev. I, 15.
8. Since they reject the *Gezerah Shawah* by which it is deduced in the Baraitha.
9. Lev. XXIII, 44.
10. Lit., 'the Sabbath of the beginning'. I.e., the Sabbath, so called because God rested on the seventh day.
11. A large Jewish town on the Tigris, where Raba had his academy.
12. At the beginning of Lev. XXIII, v. 3 and also in v. 38.
13. Num. XXVIII-XXIX deal with the festivals, and XXX treats of vows.

Nedarim 78b

[only] the festivals of the Lord need sanctification by *Beth Din*,¹ but not the Sabbath of the Creation;² (further] the festivals of the Lord require an ordained

NEDORIM – 45b-91b

scholar,³ but absolution of vows requires no ordained scholar, for even a *Beth Din* of laymen [may grant it]. But in the chapter on vows 'the heads of the tribes' is stated! — R. Hisda, others state, R. Johanan, said: That refers to a single ordained scholar.

R. Hanina said: He who keeps silence [when his wife vows] in order to provoke her⁴ can annul even after ten days. Raba objected: When was it said that if the husband dies his authority is transferred to the father? If the husband did not hear [the vow], or heard it and was silent, or heard and annulled it and died on the same day. But if he heard and confirmed it, or heard it, was silent, and died on the following day, he [the father] cannot annul.⁵ Now, surely it means that he kept his silence in order to vex her?⁶ — No. It means that he was silent in order to confirm it. If so, it is tantamount to 'or if he heard and confirmed it?'⁷ — But it means that he kept silent without specifying [his intentions].

R. Hisda objected: Confirmation is more stringent than annulment, and annulment is more stringent than confirmation. [Thus:] Confirmation is more stringent,

1. *Beth Din* must declare which day is new moon, and thereby sanctify it, and thence the festival was calculated.
2. The seventh day of the week is automatically sacred.
3. To declare the sanctification of the New Moon, which cannot be done by a layman.
4. Intending to annul the vow eventually, but keeping silence in the meantime to vex his wife, who may wish to be freed.
5. V. *supra* 68a.
6. And yet if he died the following day, his silence is regarded as confirmation.
7. Why teach it in two clauses?

Nedarim 79a

since silence confirms, but does not annul;¹ and if he confirms in his heart, he has confirmed it, [whereas] if he annuls in his heart, it is not annulled; [moreover], if he confirmed, he cannot annul, and if he annulled, he cannot confirm.² Now, this

teaches that silence confirms. Surely it means silence in order to provoke? — No; [it means] that he was silent in order to confirm. If so, it is identical with 'if he confirms in his heart?' — But it means that he was silent with no specified intention.

Now we have seen that confirmation is more stringent than annulment; where do we find that annulment is more [stringent] than confirmation? — Said R. Johanan: One may seek absolution from confirmation, but not from annulment.

R. Kahana objected: But if her husband altogether hold his peace at her from day to day:³ Scripture refers to silence in order to vex. You say, in order to vex. Perhaps this is not so, the reference being to silence with intention to confirm? Now, when it is said, because he held his peace at her,⁴ Scripture already refers to silence in order to confirm; hence, to what can I apply the phrase, 'but if the husband altogether hold his peace at her? To silence in order to vex. That is indeed a refutation.⁵ But let one [verse] be applied to silence in order to confirm, and the other to silence without specified intentions? — Additional verses are written.⁶

Raba objected: IF SHE VOWED JUST BEFORE NIGHTFALL, HE CAN ANNUL ONLY UNTIL NIGHTFALL: FOR IF NIGHT FELL AND HE HAD NOT ANNULLED IT, HE CAN NO LONGER DO SO: but why? Let it [at least] be counted as though he were silent in order to provoke her! This is a refutation.

R. Ashi objected: [If the husband declares,] 'I know that there were vows, but did not know that they could be annulled,' he may annul them [now].⁷ 'I knew that they could be annulled, but did not know that this is a vow,'⁸ R. Meir ruled: He cannot annul [now];⁹ whilst the Sages maintain: He can annul. But why [not, according to R. Meir]; let it [at least] be as though he were silent in order to provoke! This is a refutation.

NEDORIM – 45b-91b

CHAPTER XI

MISHNAH. NOW THESE ARE THE VOWS WHICH HE¹⁰ CAN ANNUL: VOWS WHICH INVOLVE SELF-DENIAL.¹¹ [E.G.,]. 'IF I BATHE,' OR, 'IF I DO NOT BATHE,' 'IF I ADORN MYSELF,' OR, 'IF I DO NOT ADORN MYSELF.'

1. Which is viewed as greater stringency.
2. This is not stated as an aspect of greater stringency in one or the other, but merely teaches a law.
3. Num. XXX, 15.
4. Ibid.
5. Of R. Hanina.
6. The idea of silence is expressed three times in that verse, But if her husband altogether keep silence — expressed in Heb. by [H], which is a double expression, and, because he has kept silence — a third time; therefore every form of silence is meant.
7. Because only when he knows his authority is the day regarded as 'the day on which he heard it.'
8. Rashi: of a binding nature; Ran such as the husband may annul, (v. next Mishnah).
9. For since he knew that the husband could annul vows, the day that he first learnt of his wife's vow is the day that he heard it.
10. The husband.
11. Cf. Num. XXX, 13.

Nedarim 79b

R. JOSE SAID: THESE ARE NOT VOWS OF SELF-DENIAL, BUT THE FOLLOWING ARE VOWS OF SELF-DENIAL: VIZ., IF SHE SAYS, 'KONAM BE THE PRODUCE OF THE [WHOLE] WORLD TO ME', HE CAN ANNUL; 'KONAM BE THE PRODUCE OF THIS COUNTRY TO ME,' HE CAN BRING HER THAT OF A DIFFERENT COUNTRY;¹ '[KONAM BE] THE FRUITS OF THIS SHOP-KEEPER TO ME', HE CANNOT ANNUL; BUT IF HE CAN OBTAIN HIS SUSTENANCE ONLY FROM HIM,² HE CAN ANNUL: THIS IS R. JOSE'S OPINION.

GEMARA. [He can annul] only vows of self-denial, but not if they involve no self-denial? But it was taught: Between a man and his wife, between the father and his daughter:³ this

teaches that a husband can annul vows which [affect the relationship] between himself and his wife? — I will tell you: He can annul both; but vows of self-denial he can permanently annul;⁴ but if they involve no self-denial, annulment is valid only so long as she is under him, but if he divorces her, the vow becomes effective. [This refers however] to matters affecting their mutual relationship but involving no self-denial; but if they involve self-denial, the vow does not become effective. Now, do vows involving no self-denial become effective if he divorces her? But we learnt: R. Johanan b. Nuri said: He must annul it, lest he divorce her and she thereby be forbidden to him.⁵ This proves that if he divorces her after first having annulled the vow, the annulment remains valid? — I will tell you: in both cases the annulment stands; but vows of self-denial he can annul in respect of both himself and strangers,⁶ whereas if they involve no self-denial, he can annul in respect of himself only, not of others;⁷ and it is thus meant: THESE ARE THE VOWS WHICH HE CAN ANNUL in respect of both himself and others, viz., VOWS THAT INVOLVE SELF-DENIAL.

'IF I BATHE.' What does this mean? Shall we say, that she declared, 'Konam be the fruit of the world to me, if I bathe'? then why annul it? Let her not bathe, and so the fruit of the world will not be prohibited to her! Moreover, could R. Jose maintain in this case that THESE ARE NOT VOWS OF SELF-DENIAL: perhaps she bathes, and the fruit of the world become forbidden to her?

1. Hence it is not a vow of self-deprivation.
2. E.g., if he must buy on credit, and no other tradesman trusts him.
3. Num. XXX, 17.
4. Even if he subsequently divorces her.
5. If a woman vows that the work of her hands be forbidden to her husband, though the vow, through seeking to deprive the husband of his legal due, is invalid, R. Johanan b. Nuri ruled that the husband should nevertheless annul it. For, should he divorce her, the vow becomes valid, and therefore he could not remarry her, v. *infra* 85a.
6. I.e., even if she marries another, the annulment holds good.

NEDORIM – 45b-91b

7. I.e. if he divorces her and she marries another, the vow resumes its force.

Nedarim 80a

Again, if she said, 'Konam be the pleasure of bathing to me for ever, if I bathe [once]', and the reason he can annul is because what can she do? if she bathes [once], the pleasure of [subsequent] bathing is forbidden her; if not, she becomes repulsive; whilst R. Jose maintains that she need not bathe, her repulsiveness being of no concern to us. But if so, it should be taught thus: R. Jose said: This condition involves no self-denial? — Hence she must have vowed, 'Konam be the pleasure of bathing to me for ever, if I bathe to-day,' R. Jose maintaining that the disfigurement of one day's [neglect of bathing] is not disfigurement.

Nedarim 80b

You have explained, 'IF I BATHE': how is 'IF I DO NOT BATHE' meant? Shall we say that she vowed, 'The pleasure of bathing be forbidden me forever, if I do not bathe to-day, 'why does she need annulment — let her bathe! — Said Rab Judah: [It means] that she said, 'The pleasure of bathing be forbidden me for ever, if I do not bathe in the water of steeping.'¹ Then by analogy, 'IF I DO NOT ADORN MYSELF' means, 'If I do not adorn myself with naphtha': but that renders her filthy!² — Said Rab Judah, She vowed, 'The pleasure of bathing be forbidden me for ever, if I bathe to-day, and I swear not to bathe [to-day]'; 'the pleasure of adornment be forbidden me for ever, if I adorn myself to-day, and I swear not to adorn myself [to-day]'. Rabina said to R. Ashi: If so, the Mishnah should state, THESE ARE THE VOWS and oaths! — He replied: Learn, THESE ARE THE VOWS and oaths. Alternatively, oaths too are included in vows, for we learnt, [if one says,] As the vows of the wicked, he has vowed in respect of a Nazirite vow, a sacrifice and an oath.³

Now, did the Rabbis rule that bathing involves self-denial when one refrains therefrom? But

the following contradicts it: Though all these are forbidden,⁴ *kareth*⁵ is incurred only for eating, drinking and performing work. But if you maintain that in refraining from bathing there is self-denial, then if one bathes on the Day of Atonement he should be liable to *kareth*?⁶ — Raba answered: In each case our ruling is based on the Scriptural context. In reference to the Day of Atonement, where it is written, Ye shall afflict your souls,⁷ something whereby affliction is there and then perceptible [is implied];⁸ whereas [to refrain from] bathing is not an immediately perceptible affliction. But of vows, where it is written, Every vow and every binding oath to afflict the soul,⁹ something which leads to affliction [is indicated],¹⁰ and not to bathe [for a long time] results in affliction.

One ruling of R. Jose contradicts another of his: With respect to a well belonging to townspeople, when it is a question of their own lives or the lives of strangers,¹¹ their own lives take precedence;¹² their cattle or the cattle of strangers, their cattle take precedence over those of strangers; their laundering or that of strangers,¹³ their laundering takes precedence over that of strangers. But if the choice lies between the lives of strangers and their own laundering, the lives of the strangers take precedence over their own laundering. R. Jose ruled: Their laundering takes precedence over the lives of strangers.¹⁴ Now, if to (refrain merely from) washing one's garment is a hardship in R. Jose's view,

1. I.e., the water in which flax was steeped; such water is foul and noisome, and it is an act of mortification to bathe therein.
2. Surely 'adorn' would not be used in that sense!
3. V. *supra* 9a.
4. Viz., eating, drinking, etc., on the Day of Atonement.
5. V. [Glos.](#)
6. Since *kareth* is the penalty for not 'afflicting one's soul' — i.e., undergoing mortification; Lev. XXIII, 29.
7. Ibid. XVI, 29.
8. E.g., abstention from food.
9. Num. XXX, 14.
10. That follows from the infinitive.

NEDORIM – 45b-91b

11. The well being the sole source of supply, sufficient only for the townspeople or for strangers, but not for both.
12. They have a prior right thereto.
13. The water being used for laundering purposes.
14. In his opinion there is great self-denial in wearing unlaundered linen.

Nedarim 81a

how much more so with respect to the body? — I will tell you: In R. Jose's opinion laundering is indeed of greater importance than bathing. For Samuel said: Scabs of the head [caused by not washing] lead to blindness; scabs (arising through the wearing) of (unclean) garments cause madness; scabs (due to neglect) of the body cause boils and ulcers.¹

They sent word from there (sc. Palestine):² Be on guard against scabs; take good care (to study) in company³ and be heedful (not to neglect) the children of the poor,⁴ for from them Torah goeth forth, as it is written, The water shall flow out of his buckets (midalyaw):⁵ [meaning], from the dallim [poor] amongst them goeth forth Torah.⁶ And why is it not usual for scholars to give birth to sons who are scholars? — Said R. Joseph, That it might not be maintained, The Torah is their legacy.⁷ R. Shisha, the son of R. Idi, said: That they should not be arrogant towards the community. Mar Zutra said: Because they act high-handedly against the community.⁸ R. Ashi said: Because they call people asses.⁹ Rabina said: Because they do not first utter a blessing over the Torah.¹⁰ For Rab Judah said in Rab's name: What is meant by, Who is the wise man, that he may understand this [... for what is the land destroyed, etc.]?¹¹ Now, this question was put to the Sages, Prophets, and Ministering Angels,¹² but they could not answer it, until the Almighty Himself did so, as it is written, And the Lord said, Because they have forsaken my law which I set before them, and have not obeyed my voice, neither walked therein:¹³ but is not 'have not obeyed my voice' identical with, 'neither walked therein'? — Rab Judah said in Rab's name: [It means] that

they did not first recite a benediction over the Torah.¹⁴

Isi b. Judah did not come for three days to the college of R. Jose. Wardimus, the son of R. Jose, met him and asked, 'Why have you Sir, not been for these last three days at my father's school?' He replied, 'Seeing that I do not know your father's grounds [for his rulings], why should I attend?' 'Please repeat, Sir, what he told you,' he urged; 'perhaps I may know the reason.' Said he, 'As to what was taught, R. Jose said: Their laundering takes precedence over the lives of strangers, whence do we know a verse [to support this]? Said he, Because it is written, And the suburbs of them shall be for their cattle, and for their goods, and for all their beasts [Hayyatham].¹⁵ Now, what is meant by Hayyatham: Shall we say, 'beasts' — but beasts are included in cattle? But if Hayyatham means literally 'their lives', is it not obvious?¹⁶ Hence it must surely refer to laundering,¹⁷ since [neglect of one's clothes] causes the pains of scabs.¹⁸

R. JOSE SAID: THESE ARE NOT VOWS OF SELF-DENIAL. The scholars propounded: In the view of R. Jose, can he [the husband] annul them as matters affecting their mutual relationship?¹⁹ — Come and hear: **R. JOSE SAID: THESE ARE NOT VOWS OF SELF-DENIAL**, implying however that they are matters affecting their mutual relationship.²⁰ — [No.] Perhaps he argues to them on their view. [Thus:] In my opinion they are not even matters affecting their mutual relationship: but you who maintain that they are vows of self-denial, should at least concede to me that these are not vows of self-denial.²¹ What [is our decision on the matter]? — Adda b. Ahabah said: He can annul them, R. Huna said: He cannot annul,

1. Madness is the worst of the lot.
2. This always refers to R. Eleazer b. Pedath — Sanh. 17b.
3. This ensures greater keenness and understanding than studying alone.
4. Or, not to neglect their teaching (Ran).
5. Num. XXIV, 7.

NEDORIM – 45b-91b

6. Adopting reading of 'En Yakob. Water being symbolic of Torah: cf. Is. LV, 1.
7. I.e., others should not complain that it is useless for them to study, or that they themselves should not think study unnecessary.
8. *Var. lec.*: because they are arrogant, etc.
9. These observations shew that there was a mutual antipathy between the scholars and the masses. Cf. Graetz, *Gesch.* IV, p. 361. It is noteworthy however that, as evidenced by this passage, many Rabbis themselves criticised the attitude of scholars.
10. As required.
11. Jer. IX, 11.
12. 'And ministering angels' is absent from our text, but added from the parallel passage in B.M. 85a.
13. *Ibid.* 10.
14. This follows since the Almighty Himself had to answer; had they neglected it altogether, the reason would have been patent to all. Hence it must mean that though they studied it, their motives were selfish, and not based on an appreciation of its own intrinsic worth. This is expressed by saying that they did not recite a benediction over it, i.e., they did not value it for itself. Ran.
15. Num. XXXV, 3.
16. That they use it to benefit their own lives.
17. I.e., wells in their suburbs shall be put to this use.
18. And as it is expressed by a word meaning life, we deduce that its importance is so great that it takes precedence over the lives of strangers.
19. For the husband may assert that he personally is affected by his wife's refusal to bathe or adorn herself. On the difference between the grounds of annulment, v. *supra*, 79b.
20. For otherwise he should simply state that the husband cannot annul them (Ran and Asheri).
21. So that if you persist in conceding the husband the right to annul, it should be on the grounds of mutual concern, not mortification.

Nedarim 81b

because no fox dies in the earth of its own lair.¹

It was taught in accordance with R. Adda b. Ahabah: Vows involving self-denial he [the husband] can annul in respect of both himself and herself, and in respect to herself and strangers;² but if they involve no self-denial, he can annul in respect of himself and herself, but not in respect to herself and strangers. E.g., if she vows, 'Konam be fruit unto me'? he can annul: 'Konam that I prepare nought for

my father,' 'for your brother,' 'for your father,' 'for my brother,' or 'that I place no straw before your cattle,' or, 'water before your herds,' he cannot annul.³ '[Konam] that I may not paint or rouge or cohabit,' he can annul as a matter affecting their mutual relationship; 'that I do not make your bed,' or, 'prepare⁴ you drink,' or, 'wash your hands or feet,' he need not annul.⁵ R. Gamaliel said: He must annul [them], as it is written, he shall not break his word.⁶ Alternatively, 'he shall not break his word' teaches that a Sage cannot absolve himself from his own vows. Now, whom do we know to regard [a vow], 'that I paint not nor rouge' as matters affecting their mutual relationship [and not of self-denial]? R. Jose;⁷ yet it is stated that he can annul them as matters affecting their mutual relationship.

The Master said: '... "or cohabit," he can annul as a matter affecting their mutual relationship.' How so? If she vows, 'The pleasure of cohabitation with me [be forbidden] to you', why annul it, seeing that she is bound to afford it to him?⁸ — But it means that she vowed, 'the pleasure of cohabitation with you be forbidden me,' and it accords with R. Kahana's dictum, viz., [If she vows,] 'The pleasure of cohabitation with me [be forbidden] to you,' she is compelled to grant it; but if she vows, 'The pleasure of cohabitation with you [be forbidden] to me,' he must annul it, because no person may be fed with what is forbidden to him. Who is the author of what was taught: Things that are in themselves permissible, and yet are treated by others as forbidden, you may not treat them as permitted in order to nullify them? Who is the author? — R. Gamaliel. For it was taught: R. Gamaliel said: He must annul them, as it is written, he shall not break his word;⁹ alternatively, 'he shall not break his word' teaches that a Sage cannot absolve himself from his own vows.¹⁰

Raba asked R. Nahman: In the Rabbis' view, is [a vow to refrain from] cohabitation [a vow of] self-denial or a matter affecting their mutual relationship? — He replied, We have

NEDORIM – 45b-91b

learnt this: [If she vows,] 'May I be removed from all Jews,'¹

1. I.e., being accustomed to it, he cannot be harmed thereby. Likewise, the husband, being accustomed to his wife, is unaffected by her refusal to bathe.
2. V. 79b.
3. Because it is not a vow of mortification, nor is she under any obligation to do these things.
4. Lit., 'mix the cup' (of wine with water).
5. Such vows are automatically invalid, since she is under an obligation to do these things.
6. Num. XXX, 3; i.e., by a Rabbinical decree he must annul it, that she may not treat vows lightly. The law is not deduced from the verse, which is cited merely to shew the solemnity of vows.
7. For the Rabbis of the Mishnah hold it to be a vow of mortification.
8. Hence it is automatically invalid.
9. Just as there, a self-imposed prohibition may not be lightly treated, so here too.
10. Thus the text as amended by BaH.
11. That no Jew shall cohabit with me.

Nedarim 82a

he must annul his own part, and she shall minister to him, whilst remaining removed from all Jews.¹ But if you say that this is a vow of self-denial, why does she remain forbidden to all Jews?² This proves that it is [only] a matter affecting their mutual relationship! — [No.] This is asked according to the Rabbis, whereas 'May I be removed from the Jews' is the teaching of R. Jose [only]. For R. Huna said: This entire chapter states the ruling of R. Jose. Whence is this deduced? Since the Mishnah teaches, R. JOSE SAID: THESE ARE NOT VOWS OF SELF-DENIAL, why state again HE CAN ANNUL: THIS IS R. JOSE'S OPINION? It therefore follows that from this onward [the author] is R. Jose.³

Samuel said on Levi's authority: All vows the husband can annul to his wife, except 'my benefit [be forbidden] to so and so,' which he cannot annul.⁴ But he can annul [the vow], 'the benefit of so and so [be forbidden] to me.'⁵

We learnt: '[KONAM] BE THE FRUIT OF THIS COUNTRY TO ME,' HE CAN BRING

HER THAT OF A DIFFERENT COUNTRY?⁶ — Said R. Joseph: It means that she vowed, '[KONAM BE THE FRUIT OF THIS COUNTRY TO ME] which you may bring'.⁷ Come and hear: 'KONAM BE THE FRUIT OF THIS SHOP-KEEPER TO ME,' HE CANNOT ANNUL? — Here too it means that she said, 'which you may bring.' [But does it not state:] BUT IF HE CAN OBTAIN SUSTENANCE ONLY FROM THIS SHOP-KEEPER, HE CAN ANNUL. Now if you maintain that she vowed, 'which you may bring,' why can he annul it?⁸ Hence, since the second clause must mean [even] those not brought by the husband, the first clause [too must refer to even] what she herself brings? — But in the first clause he cannot annul, though [her vow forbade even what] she herself brings;

1. I.e., if he divorces her.
2. Since the husband can annul vows of self-denial.
3. The Talmud leaves the problem unsolved and proceeds to another subject.
4. Not being a vow of mortification; this is self-evident, but is mentioned as a contrast to the next clause.
5. Though she may not be immediately in need thereof, she may need it later, and therefore it is a vow of mortification.
6. If abstention from the produce of an entire country is no mortification, surely to be forbidden benefit from a single person is none!
7. Hence there is no self-denial. But had she entirely forbidden them, it would certainly entail deprivation, and the same holds good if she forbids benefit from a single person.
8. Let some other person, or herself, obtain supplies.

Nedarim 82b

and our Mishnah states R. Jose's view. For R. Huna said: This entire chapter states the ruling of R. Jose. And what is meant by HE CANNOT ANNUL? On the score of self-denial, but he can annul it as a vow affecting their mutual relationship.¹

Rab Judah said in Rab's name: If she vows [to abstain] from two loaves, [abstention from] one of which is self-denial, but not from the

NEDORIM – 45b-91b

other:² since he [the husband] can annul in respect of that which causes self-denial, he can also annul in respect of the other. R. Assi said in R. Johanan's name: He can annul only in respect of that which causes self-denial, but not in respect of the other. Others say, R. Assi asked R. Johanan: What if she vows [to abstain] from two loaves, [abstention from] one of which is self-denial, but not from the other? — He answered: He can annul in respect of that which causes self-denial, but not in respect of the other. He objected: If a woman made a vow of a Nazirite, and drank wine or defiled herself through the dead,³

1. Because he may find it necessary to maintain his wife with the provisions of that particular tradesman, and by forbidding benefit from him, his wife puts him to inconvenience. — Now, to revert to the subject, since this is the view of R. Jose only, in the Rabbis' opinion he could annul it as a vow of self-denial, in which case the annulment is wider in scope, as stated on 79b, and Samuel's dictum is in accordance with the Rabbis (Rashi and Ran). Asheri and Tosaf. explain that there may be two different answers here. Thus: (i) The Mishnah is taught according to R. Jose, whereas Samuel's dictum agrees with the Rabbis. Alternatively, (ii) by HE CANNOT ANNUL is meant that he cannot annul it as a vow of self-denial, but as a vow affecting them both. But Asheri and Tosaf. disagree on the interpretation of (ii). Asheri: and therefore Samuel's dictum may agree even with R. Jose, for Samuel too meant that he can annul it only as a vow affecting their mutual interests. Tosaf.: alternatively, the first clause could accord even with the Rabbis, who agree with R. Jose that this is no vow of mortification, being so limited in scope, yet it may be annulled as a vow of mutual concern, and Samuel too meant it in the same way.
2. E.g., if one loaf was of fine flour and the other of coarse.
3. Both of which are forbidden to a Nazirite, Num. VI, 3, 6.

Nedarim83a

she receives forty [lashes].¹ If her husband disallowed her and she did not know that he disallowed her, and she drank wine and defiled herself through the dead, she does not receive forty [lashes]. But if you maintain, He can annul [only] in respect of that which causes

self-denial, but not in respect of that which does not, perhaps he annulled her vow only in respect of wine, since [abstention therefrom] is a deprivation, but not of the kernels or husks [of grapes], abstention from which is no deprivation; hence let her receive forty?² — R. Joseph replied: There is [no state of] semi-Neziruth.³ Said Abaye to him: Does that imply that there is a sacrifice for semi-Neziruth?⁴ But, said Abaye, there is no semi-Neziruth,⁵ nor is there a sacrifice for semi-Neziruth.

An objection is raised: If a woman made a vow of Neziruth, set aside an animal, and then her husband disallowed her: she must bring the sin-offering of a bird, but not burnt-offering of a bird.⁶ But if you say, a sacrifice is not incurred for half [the period of] Neziruth, why must she bring the sin-offering of a bird? — What then: a sacrifice is incurred for half [the period of] Neziruth — then she should bring three animals, [viz.,] a sin-offering, a burnt offering and a peace-offering?⁷ But after all no sacrifice is incurred for half Neziruth; whilst, as for the sin-offering of a bird which she must bring, that is because such is due even in case of doubt.⁸

He [further] objected: If a woman made a vow of a Nazirite and became defiled, and then her husband disallowed her, she must bring the sin-offering of a bird, but not the burnt-offering of a bird. But if you rule, he can annul [only] in respect of what involves self-denial, but cannot annul that which involves no self-denial,

1. The usual punishment for violating a negative injunction. Actually only thirty-nine lashes were given.
2. For 'she goes unpunished' implies for no matter which injunction of a Nazirite she transgresses. By 'perhaps', etc., 'surely can annul only' is meant.
3. One is either completely a Nazirite or not at all. But the vow to abstain from two loaves is divisible.
4. Surely not! Since R. Joseph replied that there is no state of semi-Neziruth, it follows that there may be a sacrifice for semi-Neziruth. E.g., if a woman vowed to become a Nazirite, whose duration, if unspecified, is thirty days, and after fifteen her husband learnt of her vow and

NEDORIM – 45b-91b

annulled it. Now, his annulment cancels the following fifteen days, but not the previous, and Abaye expresses his surprise that, as is implied in R. Joseph's answer, the sacrifices are to be offered for half the period of Neziruth.

5. I.e., that some provisions of Neziruth shall apply whilst others do not.
6. On the expiration of the Neziruth, three sacrifices are due, a burnt-offering, a sin-offering, and a peace-offering; Num. VI, 14. If, however, a *Nazir* comes defiled through the dead within his period he must bring one animal as guilt-offering and two turtle-doves or young pigeons, one as a sin-offering and the other as a burnt-offering, and then recommence the full period afresh; *ibid.* 10f. Now, this is the meaning of the Baraita. If a woman made the vow of a Nazirite, and separated the animal for a guilt-offering, became defiled, and then had the vow annulled, she must offer only the pigeon sin-offering, but not the pigeon burnt-offering. Tosaf. and Asheri both question the purpose of the clause 'and set aside her animal,' which is apparently irrelevant, and leave the difficulty unresolved. Ran explains that its purpose is to shew that even if she had gone so far as to dedicate her guilt-offering, annulment cancels the Neziruth retrospectively.
7. Since the annulment by the husband is not retrospective (v. *supra* p. 244, n. 1) the short period in which she practised Neziruth stands and is for her regarded as the whole, at the termination of which the three animals enumerated above are due. Cf. Num. VI, 13: And this is the law of the Nazirite, when the days of his separation are fulfilled, etc. Since her husband annulled the vow, her days are fulfilled by whatever period she observed.
8. E.g., if a pregnant woman miscarried, and it is unknown whether the fetus had attained viability, in which case the sacrifices of childbirth are due, or not, she must bring a fowl sin-offering. Since this sacrifice is brought even for a doubtful liability, she must also bring it here for the sin of having vowed to be a Nazirite; cf. 10a.

Nedarim 83b

perhaps he disallowed her [only] in respect of wine, [abstention from] which is a real hardship, but not in respect of defilement through the dead, since no hardship is involved?¹ I will tell you: [The prohibition of] defilement through the dead too involves hardship, for it is written, and the living will lay it to his heart;² whereon it was taught: R.

Meir used to say, What is meant by, and the living will lay it to his heart? He who laments will be lamented; he who weeps will be wept for; he who buries will be buried.³

MISHNAH. [IF SHE VOWS], 'KONAM, IF I MIGHT BENEFIT FROM MANKIND,'⁴ HE CANNOT ANNUL,⁵ AND SHE CAN BENEFIT FROM THE GLEANINGS, FORGOTTEN SHEAVES, AND *PE'AH*.⁶ [IF A MAN SAYS] 'KONAM BE THE BENEFIT WHICH PRIESTS AND LEVITES HAVE FROM ME, THEY CAN SEIZE (THEIR DUES) AGAINST HIS WILL.'⁷ [BUT IF HE VOWS,] 'KONAM BE THE BENEFIT THESE PRIESTS AND LEVITES HAVE FROM ME,' OTHERS TAKE [THE DUES].

GEMARA. Thus we see that she may derive her sustenance from his [her husband's goods],⁸ thus proving that her husband is not included in 'MANKIND' (in the sense of her vow). Then consider the second clause: AND SHE CAN BENEFIT FROM THE GLEANINGS, FORGOTTEN SHEAVES, AND *PE'AH*; but she may not eat of her husband's, which proves that he is included in 'MANKIND'? — Said 'Ulla: After all, the husband is not included, and [the Mishnah] teaches thus: moreover, he cannot annul because SHE CAN BENEFIT FROM THE GLEANINGS, FORGOTTEN SHEAVES, AND *PE'AH*.⁹ Raba said: In truth, the husband is included in 'mankind', and (the second clause) states a reason. [Thus:] Why cannot he annul?¹⁰ Because SHE CAN BENEFIT FROM THE GLEANINGS, FORGOTTEN SHEAVES, AND *PE'AH*.¹¹ R. Nahman said: In truth, the husband is not included in 'MANKIND', and the Mishnah teaches thus: if she was divorced, SHE CAN BENEFIT FROM THE GLEANINGS, FORGOTTEN SHEAVES, AND *PE'AH*.¹²

1. On 'perhaps, etc.' v. p. 258, n. 1. Hence in spite of the annulment she ought to complete the full period and then offer the usual sacrifices. Tosaf. objects that the same answer could be given here as above, viz., there is no state of semi-Neziruth; and replies that this perhaps holds good only of the kernels and husks of

NEDORIM – 45b-91b

grapes, and everything appertaining thereto. But the prohibition of defilement is quite distinct from that of wine, (as is illustrated by a Samson Nazirite. V. *Nazir* 4a) and therefore one may exist without the other.

2. Ecc. VII, 2.
3. I.e., one who pays the last respects to the dead will be similarly honored, and, by implication, he who refrains will be likewise treated with contempt. It is therefore a matter of self-denial to abstain from death defilement, since thereby one forfeits the respects of his fellow-men at his own death.
4. Lit., 'creatures'.
5. Discussed in the Gemara.
6. These are free to all. Since these are Hefker (v. [Glos.](#)), she does not benefit from mankind in taking them.
7. Since these belong to them, he cannot prohibit them.
8. As otherwise it is certainly a vow of self-denial, which he may annul. It is now assumed that 'AND SHE CAN ... PE'AH' does not give the reason why he cannot annul, but is an independent statement. For surely abstention from all mankind, including her husband, is no less deprivation than abstention from a tradesman from whom alone the husband can obtain supplies, which is regarded as mortification (v. *supra* 79b), though there too recourse might be had to gleanings, etc.! (Ran.).
9. I.e., in the first place he cannot annul because his own substance is available to her, but an additional reason is that SHE CAN, etc. This furnishes a reason only when taken in conjunction with the first, but not independently (Ran. v. n. 5).
10. Seeing that she cannot benefit even from her husband.
11. As for the argument in n. 5, Raba will maintain that abstention from a tradesman from whom alone the husband can obtain supplies constitutes mortification only in winter, when gleanings, etc. are not available (Ran).
12. I.e., though the husband is not included when she vows, he is after divorcing her, and then she must have recourse to gleanings, etc.

Nedarim84a

Raba objected before R. Nahman: Now, is the husband not included in the term 'MANKIND'? But we learnt: [If she vows,] 'May I be removed from all Jews,' he must annul his own portion therein, and she shall minister unto him, whilst remaining removed from all Jews.¹ But if you say that the husband is not included in MANKIND,² it is a vow of

self-denial, which he should permanently annul?³ — Here it is different, because it is obvious that she forbids to herself [primarily] what is [normally] permitted.⁴

SHE CAN BENEFIT FROM THE GLEANINGS, FORGOTTEN SHEAVES, AND PE'AH. Now the poor tithe is not included,⁵ but it was taught in the Baraitha: And [she can benefit] from the poor tithe? — Said R. Joseph: That is no difficulty: one [teaching] agrees with R. Eliezer, the other with the Rabbis. For we learnt, R. Eliezer said: One need not designate the poor-tithe of *Demai*;⁶

1. If she is divorced or becomes a widow. *Infra* 90a.
2. [The terms 'Jews' and 'mankind' are taken to denote the same thing in relation to the husband.]
3. For if the husband is not included in 'mankind', her vow cannot refer to cohabitation, which is forbidden in any case, but to benefit in general, and hence is a vow of mortification, which he can permanently annul (as stated on 79b); why then state 'whilst remaining removed from all Jews,' which, on this hypothesis, means that she may never benefit from them. So cur. edd. and as rendered by Asheri. Ran, Tosaf. and the chief reading of Asheri are much simpler: But if the husband is not included in mankind, why annul his own portion therein, seeing that the vow never referred to him?
4. Hence she must have meant her husband too, it being altogether unlikely that her vow bore reference to after divorce. But normally the term does not include her husband.
5. In the third and sixth years of the septennate a tithe was separated for the poor, the owner of the field giving it directly to whomsoever of the poor he pleased.
6. V. next note.

Nedarim 84b

whilst the Sages say: He must designate [it], but need not separate it.¹ Now surely he who maintains that the doubt² renders it *tebel*,³ also holds that he [the owner] possesses the good will thereof,⁴ and that being so, he may not benefit [her].⁵ Whilst he who maintains that no designation is necessary, is of the view that the doubt does not render it *tebel*;⁶ and

NEDORIM – 45b-91b

wherever the doubt does not render it *tebel*, he [the owner] enjoys no goodwill therein,⁷ and therefore she may benefit therefrom.⁸ Said Abaye to him: [No.] All agree that the doubt renders it *tebel*, but R. Eliezer and the Rabbis differ in this: R. Eliezer maintains that the 'amme ha-arez are not suspected of withholding the poor tithe, since should he renounce the title to his property and thus become a poor man, he may take [the tithe] himself; hence he suffers no loss.⁹ But the Rabbis hold that no one will renounce ownership of his property, for he fears that another may acquire it;¹⁰ therefore they are suspected.¹¹ Raba said: Here [the Mishnah] refers to the poor tithe distributed in the [owner's] house,¹² in connection wherewith 'giving' is mentioned, [viz.,] and thou shalt give it unto the Levite, the stranger, etc.;¹³ therefore one [who vows not to benefit from mankind] may not benefit therefrom.¹⁴ Whilst there [in the Baraitha] the reference is to the poor tithe distributed in the threshing floor; since it is written thereof, And thou shalt leave it at thy gates,¹⁵ one may benefit therefrom.

'KONAM BE THE BENEFIT PRIESTS AND LEVITES HAVE FROM ME,' THEY CAN SEIZE, etc. Thus we see that goodwill benefit has no monetary value.¹⁶ Then consider the last clause: [BUT IF HE VOWS]. 'KONAM BE THE BENEFIT THESE PRIESTS AND LEVITES HAVE FROM ME.' OTHERS TAKE [THE DUES]: but not these, thus proving that goodwill benefit has monetary value? — Said R. Hoshai:¹⁷ There is no difficulty: the one [clause] accords with Rabbi, the other with R. Jose son of R. Judah. For it was taught: If one steals his neighbor's *tebel* and consumes it, he must pay him the value of the *tebel*:¹⁸ that is Rabbi's ruling. R. Jose son of R. Judah said: He must pay him only for the value of its Hullin. Now presumably they differ in this:

1. *Demai*, lit., 'of what (nature),' 'dubious' is the technical term for produce bought from a person who is not trusted to render the tithes, generally the 'Am Ha-arez; (v. [Glos.](#)) such produce had to be tithed by the purchaser. R. Eliezer maintains that it is unnecessary to

designate any portion thereof as the poor tithe, because even if the first owner has definitely not separated the poor lithe the produce is permitted. But the Sages hold that as long as the poor tithe has not been separated the produce may not be eaten; therefore, since the original owner is under suspicion, he must designate the poor tithe himself, i.e., declare, 'this part of the produce is the poor tithe.' On the other hand, he is not compelled to give it to the poor, as he can challenge them, 'Prove that the first owner did not render the poor tithe.'

2. Whether the poor tithe has been set aside or not.
3. V. [Glos.](#)
4. I.e., the owner can give the poor tithe to whomsoever of the poor he wishes.
5. For the owner confers a definite benefit upon the person of his choice, since he could have given it to some other. Consequently, if a woman vows not to benefit from all mankind, she cannot take the poor tithe.
6. Actually, according to this view, even if the poor tithe has definitely not been separated, it is not *tebel*; but since the discussion refers to *Demai*, the doubt is mentioned.
7. But must give it to the first poor man who applies. The interdependence of goodwill and *tebel* is deduced from Scripture.
8. Lit., 'one'. For she does not benefit from the owner, but takes it in virtue of her own right.
9. It is assumed that no person transgresses a law which he can observe without loss to himself. Hence there is no fear that the 'Am Ha-arez does not separate the poor-tithe. For he can designate part of the produce as poor tithe, formally renounce ownership if all his possessions, acquire the tithe, and then reacquire their possessions. Therefore when one purchases cereals from an 'Am Ha-arez, he may assume that the poor tithe has been separated, or that by formally renouncing ownership the peasant has exempted it.
10. For such renunciation had to be in the presence of witnesses, *supra* 45a, one of whom might forestall the first owner and acquire it himself.
11. Since Abaye had refuted R. Joseph's answer, the difficulty remains, and Raba proceeds to dispose of it.
12. If for any reason the poor tithe was not distributed in the threshing floor, as it should have been, it must be done in the house.
13. Deut. XXVI, 12.
14. For 'thou shalt give' implies that the owner possesses disposal rights therein.
15. Ibid. XIV, 28; this implies that it must be left for whomever wishes to take it, and that the owner cannot allot it to any line in particular.
16. Since the priest and Levites, who may not benefit from him, can seize the dues against his

NEDORIM – 45b-91b

wishes, though he possesses the right of disposing of them at will.

17. *Var. lec.:* Joseph.

18. I.e., the value of the Hullin (v. [Glos.](#)) it contains and the monetary value of his disposal rights over the *Terumah* and tithes therein.

Nedarim 85a

Rabbi holds that goodwill benefit has money value, whilst R. Jose son of R. Judah holds that goodwill benefit has no money value.¹ — No. All agree that goodwill benefit has no monetary value, but here they disagree over unseparated [priestly] dues.² But since goodwill benefit has no monetary value, what does it matter whether they have been separated or not?³ — But this is Rabbi's reason: the Rabbis penalised the thief, that he may not steal; whereas R. Jose son of R. Judah maintains that the Rabbis penalised the owner, that he should not delay with his *tebel*.⁴ Raba said:⁵ *Terumah* is different, this being the reason that they can take it against his will: for *Terumah* is fit only for priests, and since he came and forbade it to them, he rendered it just like dust.⁶

MISHNAH. [IF SHE VOWS,] 'KONAM THAT I DO NOT AUGHT FOR² MY FATHER,' 'YOUR FATHER,' 'MY BROTHER,' OR, 'YOUR BROTHER,' [THE HUSBAND] CANNOT ANNUL IT. 'THAT I DO NOT AUGHT FOR YOU,' HE NEED NOT ANNUL.³ R. AKIBA SAID: HE MUST ANNUL IT, LEST SHE EXCEED HER OBLIGATIONS.² R. JOHANAN B. NURI SAID: HE MUST ANNUL IT, LEST HE DIVORCE HER AND SHE THEREBY BE FORBIDDEN TO HIM.

GEMARA. Samuel said: The *Halachah* is as R. Johanan b. Nuri. Shall we say that in Samuel's opinion a man can consecrate that which is non-existent?¹⁰ But the following contradicts it: If a man consecrates his wife's handiwork [which she will produce],

1. Hence the first clause of the Mishnah under discussion agrees with R. Jose b. R. Judah, and the second with Rabbi.

2. Rabbi regards the whole as Hullin, whilst R. Jose b. R. Judah maintains that since they would have had to be separated eventually, they are regarded as though already removed from the whole, and therefore he must pay only for its Hullin.
3. Since they must eventually be separated.
4. But render its dues immediately after harvesting. He therefore receives a payment only for its Hullin. Presumably he is nevertheless required to render the priestly dues or their value on the stolen produce.
5. In reconciling the discrepancy between the two clauses.
6. I.e., entirely valueless, as far as he is concerned, and therefore the priests can take it.
7. Lit., 'for the mouth'.
8. Since she is bound to work for him.
9. The amount of work she is obliged to do for him is prescribed in Keth. 64b. Her vow is valid in respect of everything above that, and therefore the husband must annul the vow.
10. Lit., 'a thing that has not come into the world'. For the prohibition of a vow is a manner of consecration, v. p. 105, n. 8. Now, according to R. Johanan b. Nuri that prohibition is effective in respect of anything she may do after he divorces her, though as yet she is neither divorced nor has she produced anything; hence, just as a vow is valid in respect of the non-existent, so is consecration too, and since Samuel accepts this ruling as the *Halachah*, it must be his view too.

Nedarim 85b

she may work and provide for herself, and as for the surplus, R. Meir¹ rules that it is Hekdesh.² R. Johanan the sandal-maker ruled that it is Hullin.³ Whereon Samuel said: The *Halachah* is as R. Johanan the sandal-maker, thus proving that a man cannot consecrate the non-existent. And should you reply that he ruled that the *Halachah* is as R. Johanan b. Nuri only in respect of the excess;⁴ then he should have said, The *Halachah* is as R. Johanan b. Nuri in respect of the excess, or, the *Halachah* is as the first Tanna,⁵ or, the *Halachah* is not as R. Akiba? — But, said R. Joseph, Konamoth⁶ are different: since a man can interdict his neighbor's fruit to himself, he can prohibit to himself the non-existent.⁷ Said Abaye to him: It is proper that one may prohibit his neighbor's fruit to himself, since he can forbid his own fruit to his neighbor: but

NEDORIM – 45b-91b

shall he forbid the non-existent to his neighbor, seeing that he cannot interdict his neighbor's fruit to his neighbor!⁸ — But, said R. Huna the son of R. Joshua, it means that she vowed, 'My hands be consecrated in respect of what they may produce';⁹ [the vow is valid even after divorce,] because her hands are already in existence. But if she vowed thus, would they be consecrated [and forbidden]? surely her hands are pledged to her husband.¹⁰ She vowed, 'When he divorces me.' But now at least she is not divorced: how then do you know that such a declaration is valid?

1. *Var. lec.*: Tarfon.
2. Because one can consecrate the non-existent.
3. He holds that one cannot consecrate the non-existent.
4. For since R. Johanan b. Nuri rejects R. Akiba's reason, it follows that in his opinion the surplus belongs to the husband, not to the wife.
5. Who also holds that the excess belongs to the husband, since he maintains he need not annul.
6. I.e., prohibitions, arising as a result of vows, v. *supra* p. 105, n. 8.
7. For in real consecration one cannot consecrate his neighbor's property.
8. Abaye objects that the analogy is defective. For in both cases cited by R. Joseph. viz., prohibiting his neighbor's produce and prohibiting the non-existent to himself, there is when vowing one element of the vow under his control — himself. But if a woman interdicts her earnings to her husband, neither her husband nor her future earnings are in her control when she vows.
9. So that whatever my hands produce shall be forbidden.
10. And since the vow cannot take immediate effect, it cannot become effective after divorce.

Nedarim 86a

— Said R. Elai: What if a man declares to his neighbor, 'Let this field which I am selling you be consecrated when I buy it back from you', — is it not consecrated?¹ R. Jeremiah demurred to this: How compare! [In the case of] 'Let this field which I sell you [etc.],' it is now in his possession; but is it in a woman's power to consecrate the work of her hands?² This is [rather] to be compared only to a man who says to his neighbor, 'Let this field, which I have sold to you, be consecrated when I

repurchase it from you,' — is it consecrated?³ R. Papa demurred to this: How compare! In the case of purchase the matter is definitely closed;⁴ but as for a woman, is the matter definitely closed?⁵ This can only be compared to a man who declares to his neighbor. 'Let this field, which I have mortgaged to you, be consecrated when I redeem it from you', — is it not consecrated? R. Shisha the son of R. Idi demurred to this: How compare! As for the field, it is in his power to redeem it; but does it lie with a woman to be divorced? This is [rather] to be compared to one who says to his neighbor. 'Let this field, which I have mortgaged to you for ten years, be consecrated on its redemption,' — is it not consecrated?⁶ R. Ashi demurred to this: How compare! There is a definite term [for redemption]; has then a woman a definite term [when she can encompass her divorce]?⁷

1. Surely it is! So here too the vow is valid in respect of a future state through it is not valid when made.
2. Obviously not.
3. Surely not. Thus, he argued, this analogy proves on the contrary that the woman's vow is invalid.
4. Neither the field nor its produce belongs, for the time being, to the vower.
5. For her body at least still belongs to herself.
6. Surely it is, though it cannot be redeemed before a certain date; so in the case of a woman too, though she cannot procure her divorce. As far as actual law is concerned this Rabbi agrees with the preceding: he merely varies the analogy for the sake of greater accuracy, though the result is the same.
7. Obviously not; hence it should follow that her vow is invalid.

Nedarim 86b

But, said R. Ashi, Konamoth are different, since they have the force of intrinsic sanctity;¹ and [it is] in accordance with Raba's dictum, For Raba said: Hekdesh,² [the prohibition of] leaven, and manumission [of a slave] release from [the burden of] mortgage.³ If so, why state LEST HE DIVORCE HER?⁴ — Learn: moreover, LEST HE DIVORCE HER.⁵

NEDORIM – 45b-91b

MISHNAH. IF HIS WIFE VOWED, AND HE THOUGHT THAT HIS DAUGHTER HAD VOWED, OR IF HIS DAUGHTER VOWED AND HE THOUGHT THAT HIS WIFE HAD VOWED; IF SHE TOOK THE VOW OF A NAZIRITE, AND HE THOUGHT THAT SHE HAD VOWED [TO OFFER] A SACRIFICE, OR IF SHE VOWED (TO OFFER) A SACRIFICE, AND HE THOUGHT THAT SHE VOWED A NAZIRITE VOW; IF SHE VOWED [TO ABSTAIN] FROM FIGS, AND HE THOUGHT THAT SHE VOWED FROM GRAPES, OR IF SHE VOWED [TO ABSTAIN] FROM GRAPES AND HE THOUGHT THAT SHE VOWED FROM FIGS,⁶ HE MUST ANNUL [THE VOW] AGAIN.

GEMARA. Shall we say that ['if her husband] disallow her⁷ is precisely meant?⁸

1. Lit., 'bodily sanctity'. I.e., of objects consecrated in themselves, and which are offered on the altar; these are irredeemable. The term is opposed to 'monetary consecration,' i.e., objects which are consecrated so that they may be redeemed and their redemption money dedicated to Temple Service. As seen above (p. 105, n. 8), Konam is really a form of consecration, and it is here stated that its prohibition is as strong as that which is intrinsically consecrated.
2. V. [Glos.](#)
3. If one pledges an unblemished animal for repayment of a debt, and then consecrates it, the intrinsic sanctity it acquires liberates it from the bond and the creditor cannot seize it in payment. Similarly, if one pledges leaven to a Gentile, the advent of Passover and the resultant prohibition cancels the pledge, and the Jew is bound to destroy it, like any other leaven. Likewise, if one mortgages a slave and then manumits him, he is released from the pledge, and the creditor cannot take him on payment. Hence, if a woman declares her hands Konam, she thereby destroys their pledged character, and the vow is valid.
4. For according to this the vow is valid even before.
5. I.e., actually the vow is valid even now, since Konam has the force of intrinsic consecration. But should you dispute this, for the Rabbis strengthened the husband's rights, so that not even Konam may cancel them, the husband must still annul the vow, lest he divorce her. The objections raised above to the assumption

that the vow has after-divorce validity are now inapplicable. Since in fact the vow should be valid immediately, but that the Rabbis, by a special decree, strengthened the husband's rights and rendered it valid, it follows that on divorce the law is restored to its proper basis. — In Keth. 59b the text reads: 'the Rabbis strengthened the husband's rights, so that the consecration should not be valid from now'; and the reading of Rashi, Tosaf. and Asheri is the same here too. Cur. edd., however, and also Ran, have the reading as given.

6. And on these assumptions he annulled the vow.
7. Num. XXX, 9.
8. I.e., he must intend to disallow her, not a different person.

Nedarim 87a

But what of the rents [for the dead], concerning which, *for ... for ...* is written, viz., [*Then David took hold on his clothes and rent them ...*] for Saul and for Jonathan his son:¹ yet it was taught: If he was informed that his father had died, and he rent [his garments], and then it was discovered that it was his son, he has fulfilled the duty of rending?² — I will tell you: there is no difficulty. The one [teaching] refers to an unspecified action; the other to a specified one.³ And it was taught [likewise]:⁴ If he was informed that his father had died, and he rent his garments, and then it was discovered to be his son, he did not fulfil the duty of rending. If he was told that a relation of his had died, and thinking that it was his father, he rent [his garments], and then it was discovered to be his son, he fulfilled the duty of rending.⁵ R. Ashi said: The one means [that he realised his error] within the period of an utterance;⁶ the other, [that he realised it] after the period of an utterance. ([Thus:] Your ruling that his duty of rending is fulfilled holds good when it is discovered to be his son within the period of an utterance, whilst your ruling that his obligation remains unfulfilled is [if he learnt it] after such period of an utterance.)⁷ And it was taught likewise: If one has all invalid in his house, who falls into a swoon and appears to be dead, and he rends his garments, and then he [the invalid] dies, his duty of rending is unfulfilled.⁸ Said R. Simeon b. Pazzi in the name of R. Joshua b.

NEDORIM – 45b-91b

Levi on the authority of Bar Kappara. This was taught only if he died after the period of an utterance; but [if he died] within the period of an utterance, he need not rend his garments again.² Now, the law is that [that which follows an action] within the period of an utterance is as [though it were simultaneous with] the utterance,¹⁰ except in the case of blasphemy, idolatry, betrothal and divorce.¹¹

MISHNAH. IF SHE VOWS, 'KONAM, IF I TASTE THESE FIGS AND GRAPES, AND HE [THE HUSBAND] CONFIRMS [THE VOW] IN RESPECT OF FIGS, THE WHOLE [VOW] IS CONFIRMED; IF HE ANNULS IT IN RESPECT OF FIGS, IT IS NOT ANNULLED, UNLESS HE ANNULS IN RESPECT OF GRAPES TOO. IF SHE VOWS, 'KONAM IF I TASTE FIGS' AND 'IF I TASTE GRAPES', THEY ARE TWO DISTINCT VOWS.¹²

GEMARA. Who is the author of our Mishnah? — R. Ishmael. For it was taught: Her husband may confirm it, or her husband may make it void.¹³ If she vows, 'Konam, if I taste these figs and grapes', and he [the husband] confirms [the vow] in respect of figs, the whole vow is confirmed;

1. II Sam. I, 11f. The repetition of 'for' implies that he made a rent for each specifically.
2. Though it appears from the verse quoted that the rent must be for a particular person; the same then should hold good of annulment of vows.
3. I.e., the Baraita means that he rent his garment without specifying for whom (v. Tosaf.), but in the Mishnah he explicitly designated the wrong person.
4. [H], v. note 6.
5. Thus if he had explicitly rent his garments for the wrong person, his obligation is unfulfilled; but not if his error was a mental one only. [Some texts omit the last clause. The Baraita just cited is thus regarded as contradictory to the first. On this reading [H] (v. n. 5) introduces a question and is to be rendered 'But was it not taught'. V. Asheri, 4a.)
6. I.e., almost immediately after he rent his garments, within the time that it would take to make an utterance, e.g., a greeting, v. *Nazir* 20b.
7. [On this reading, which is that of cur. edd., R. Ashi's main object is to reconcile the two

Baraitas (v. n. 6), though his distinction in regard to the time when the error was discovered might serve also to explain our Mishnah (Ran). Some texts; however, omit the bracketed passage. On this latter reading R. Ashi's reply is intended solely to reconcile our Mishnah and the first cited Baraita; v. Asheri, cur. edd. which retain the 'last clause' (v. n. 6) and this bracketed passage, present, on the view of Asheri, a conflated text.]

8. Since he was alive when the garments were rent, that rending is invalid.
9. So the text as emended by BaH.
10. Hence cancelling or modifying the action, as the case may be.
11. If one commits blasphemy or practises idolatry, and immediately, within the period of utterance, retracts, his retraction is unavailing. If a woman accepts *Kiddushin* or a divorce, and immediately thereafter withdraws her consent, such withdrawal is invalid.
12. And each can be annulled or confirmed without the other.
13. Num. XXX, 14.

Nedarim 87b

but if he annulled it in respect of figs, it¹ is not annulled, unless he annuls in respect of the grapes too: this is R. Ishmael's opinion. R. Akiba said: Behold, it is written, her husband may [yekimennu] confirm it or her husband may annul it [yeferenu]: just as yekimennu implies mimmennu [part of it],² so yeferenu means part thereof.³ And R. Ishmael?⁴ — Is it then written, he shall annul [part] thereof? And R. Akiba?⁵ — Annulment is assimilated to confirmation: just as confirmation [denotes a part] thereof, so annulment too [denotes a part] thereof. R. Hiyya b. Abba said in R. Johanan's name: These are the views of R. Ishmael and R. Akiba. But the Sages maintain: Confirmation is assimilated to annulment: just as in the case of annulment, that which he annulled is void, so also in respect to confirmation, that which he confirmed is confirmed.⁶

IF SHE VOWS, 'KONAM, IF I TASTE FIGS' [AND 'IF I TASTE GRAPES, etc.']. Raba said: Our Mishnah agrees with R. Simeon, who ruled: He must say 'I swear' to each one separately.⁷

NEDORIM – 45b-91b

MISHNAH. [IF THE HUSBAND DECLARES,] 'I KNOW THAT THERE WERE VOWS, BUT DID NOT KNOW THAT THEY COULD BE ANNULLED', HE MAY ANNUL THEM [NOW]. [BUT IF HE SAYS:] 'I KNOW THAT ONE CAN ANNUL, BUT DID NOT KNOW THAT THIS WAS A VOW,' R. MEIR RULED: HE CANNOT ANNUL IT, WHILST THE SAGES MAINTAIN: HE CAN ANNUL.⁸

GEMARA. But the following contradicts this: [Or if he smote him with any stone, wherewith a man may die,] seeing him not [... then the congregation shall restore him to the city of his refuge]:² this excludes a blind man;¹⁰ that is R. Judah's view. R. Meir said: It is to include a blind person!¹¹ —

1. [a. Either the whole vow; or b. the part he did not annul (Ran); v. p. 880, n. 5.]
2. Yekimenu is taken as a contraction of yakim mimenu, 'he shall confirm part of it'.
3. Though yeferenu itself cannot bear that meaning, it is nevertheless so rendered by analogy with yekimenu. Hence if he annulled part thereof, the entire vow is annulled.
4. How does he justify his view?
5. And how does he dispose of this objection?
6. On this reading, the Sages regard it as axiomatic that part of a vow can be annulled, and by analogy rule likewise for confirmation. Hence the statement of the Mishnah, that if he annulled the vow in respect of figs it is not annulled, must mean that the vow is not entirely void; the conflict in the Baraitha must also be interpreted on the same lines. But in the Tosefta it appears that if one annulled only part thereof the entire vow remains valid. Consequently the reading of some editions is preferable: But the Sages maintain, just as in the case of annulment, even that part which he annulled is not void, so is confirmation too — even that which he confirmed is not confirmed (Ran).
7. V. *supra* p. 211, n. 3; so here too, only if she says 'If I taste' for each separately, is it regarded as two distinct vows.
8. V. *supra* 79a for notes.
9. Num. XXXV, 23f.
10. Who is not exiled to the refuge cities for manslaughter.
11. In Deut. XIX, 5, it is stated, as when a man goeth into a wood with his neighbor, etc. This implies that the unwitting murderer must have known where his victim was, but that he killed

him unintentionally. If, however, he did not know of his presence, the law of exile is inapplicable. Now a blind person does not see his victim, nevertheless, owing to the greater keenness of his other faculties he senses the presence of the victim, though not knowing exactly where he is. R. Judah maintains that the partial knowledge of the blind is regarded as full knowledge, and would be sufficient for the law to operate. Consequently, when Scripture states, 'seeing him not', which implies that he might however have seen him, it must teach the exclusion of the blind. R. Meir's view is that partial knowledge is in itself not regarded as complete knowledge; hence, without any verse one would assume that a blind person is excluded. Consequently, 'seeing him not' cannot exclude the blind, since for that no verse is necessary, but must be translated, 'though not seeing him', i.e., though unable to see him, and the verse extends the law to the blind. Thus this contradicts the Mishnah, for there R. Meir rules that since he possessed the partial knowledge that a husband can annul vows, he is regarded as having possessed the complete knowledge, and therefore cannot annul after the day of hearing. Likewise R. Judah here is opposed to the Sages in the Mishnah, by whom R. Judah is meant, when they are in opposition to R. Meir (Rashi). Ran, Asheri and Tosaf. give different interpretations.

Nedarim 88a

Raba answered: In each case (the ruling follows) from the context.¹ R. Judah reasons: Concerning a murderer it is written, As when a man goeth into a wood with his neighbor, etc.,² implying whoever can go into a 'wood', and a blind person too can enter a wood. Now, should you say that 'seeing him not' teaches the inclusion of the blind, that could be deduced from 'a wood'. Hence 'seeing him not' must exclude the blind. But R. Meir maintains: It is written, [Whoso killeth his neighbor] without knowing,³ [which implies] whoever that can know, whereas a blind person cannot know. Now, should you say that 'seeing him not' excludes the blind, that would follow from, 'without knowing'. Consequently, 'seeing him not' must teach the inclusion of the blind.⁴

MISHNAH. IF A MAN IS UNDER A VOW THAT HIS SON-INLAW SHALL NOT

NEDORIM – 45b-91b

BENEFIT FROM HIM,⁵ AND HE DESIRES TO GIVE MONEY TO HIS DAUGHTER, HE MUST SAY TO HER, 'THIS MONEY IS GIVEN TO YOU AS A GIFT, PROVIDING THAT YOUR HUSBAND HAS NO RIGHTS THEREIN, (FOR ONLY THAT IS YOURS) WHICH YOU MAY PUT TO YOUR PERSONAL USE.'⁶

GEMARA. Rab said: We learnt this only if he says to her, 'WHICH YOU MAY PUT TO YOUR PERSONAL USE.' But if he says, 'Do what you please,' the husband acquires it.² Samuel said: Even if he declares, 'Do what you please,' the husband has no rights therein. R. Zera demurred to this:

1. So cur. edd. Ran reads: In this case (sc. of a murderer) the ruling follows from the context.
2. Deut. XIX, 5.
3. Ibid. 4; i.e., by throwing a stone without knowing where it will fall.
4. Thus their dispute does not centre on the question whether partial knowledge is as full knowledge or not, and hence has no bearing on our Mishnah.
5. The text is uncertain.
6. Lit., 'put into your mouth.'
7. For since she is able to put it to any use, her rights are automatically transferred to her husband.

Nedarim 88b

With whom does this ruling of Rab agree? With R. Meir, who said: The hand of a woman is as the hand of her husband.¹ But the following contradicts it: How is a partnership formed in respect of an alley way?² One [of the residents] places there a barrel [of wine] and declares, 'This belongs to all the residents of the alley way': and he transfers ownership to them through his Hebrew slave, male or female, his adult son or daughter, or his wife.³ But if you say, her husband acquires it, the 'erub⁴ has not left the husband's possession?⁵ — Raba replied: Although R. Meir said, The hand of a woman is as the hand of her husband, he agrees in respect to 'partnership',⁶ that since his object is to transfer it to others, she can acquire it from her husband. Rabina objected before R. Ashi:

The following can acquire it on their behalf: his adult son or daughter, his Hebrew slave, male or female. But the following can not acquire it on their behalf: his son or daughter, if minors, his Canaanite slave, male or female, and his wife!⁷ — But, said R. Ashi, the Mishnah⁸ holds good [only] when she possesses a court in that alley way,⁹ so that since she can acquire part ownership [in the 'erub] for herself,¹⁰ she can also acquire it on behalf of others.

MISHNAH. BUT EVERY VOW OF A WIDOW AND OF HER THAT IS DIVORCED ... SHALL STAND AGAINST HER.¹¹ HOW SO? IF SHE DECLARED, BEHOLD, I WILL BE A NAZIRITE AFTER THIRTY DAYS', EVEN IF SHE MARRIED WITHIN THE THIRTY DAYS, HE CANNOT ANNUL IT.

1. I.e., she has no independent rights, v. Kid. 23b.
2. By a legal fiction a partnership was formed by all the Jewish residents of an alley in respect thereto, that it might rank as a private domain, and carrying therein be permitted on the Sabbath. This was effected by placing in it some food of which all the residents became joint-owners, v. 'Er. 73b.
3. Who accept it from him on behalf of the residents.
4. Lit., 'mixture', 'combination', the technical terms for the thing deposited (v. [Glos.](#)).
5. And that law is contained in an anonymous Mishnah, the author of which is R. Meir.
6. Shittuf. The technical term for the partnership created for the purposes of the Sabbath law.
7. The reference is the same as above. This shows that the wife, having no powers of acquisition apart from her husband, cannot be the medium of transference, and thus contradicts the Mishnah just quoted. This difficulty arises in any case, but Rabina adduces it here to refute the distinction posited by Raba.
8. In 'Er.
9. E.g., if she had inherited it before marriage, and the groom had written a deed renouncing all rights therein.
10. Because that is in the husband's own interest, for carrying is forbidden in the alley unless every resident — and the wife ranks as one in her own rights, since she possesses a court — is part owner of the 'erub, whereas the other teaching (a Baraita) refers to the case where she has no court of her own.
11. Num. XXX, 10.

NEDORIM – 45b-91b

Nedarim 89a

IF SHE VOWS WHILE UNDER HER HUSBAND'S AUTHORITY, HE CAN DISALLOW HER. HOW SO? IF SHE DECLARED, 'BEHOLD! I WILL BE A NAZIRITE AFTER THIRTY DAYS,' [AND HER HUSBAND ANNULLED IT], EVEN THOUGH SHE WAS WIDOWED OR DIVORCED WITHIN THE THIRTY DAYS, IT IS ANNULLED. IF SHE VOWED ON ONE DAY, AND HE DIVORCED HER ON THE SAME DAY AND TOOK HER BACK ON THE SAME DAY, HE CANNOT ANNUL IT. THIS IS THE GENERAL RULE: ONCE SHE HAS GONE FORTH AS HER OWN MISTRESS [EVEN] FOR A SINGLE HOUR, HE CANNOT ANNUL.

GEMARA. It was taught: If a widow or a divorced woman declares, 'Behold! I will be a Nazirite when I marry,' and she marries, — R. Ishmael said: He [the husband] can annul. R. Akiba ruled: He cannot annul. (And the mnemonic is Yelaly).¹ If a married woman declares, 'Behold! I will be a Nazirite when I am divorced,' and she is divorced: R. Ishmael ruled: He cannot annul;² R. Akiba said: He can annul.³ R. Ishmael argued: Behold, it is said, But every vow of a widow, and of her that is divorced ... shall stand against her,⁴ implying that the [incidence of] the vow must be in the period of widowhood or divorce.⁵ [But] R. Akiba maintains: It is written, with whatever she hath bound her soul,⁴ implying that the binding of the vow must be [created] in the period of widowhood or divorce.⁶

R. Hisda said: Our Mishnah agrees with R. Akiba.⁷ Abaye said: It may agree even with R. Ishmael: in the Mishnah she made herself dependent upon a time factor; the period may end without her being divorced or the period may end without her being married;⁸ but in the Baraitha she made the vow dependent upon marriage.⁹

'This is the general rule,' taught with respect to a betrothed maiden,¹⁰ is to extend the law to where the father accompanied the [betrothed]

husband's messengers, or the father's messengers accompanied the [betrothed] husband's messengers, — that in the case of a betrothed maiden her vows are annulled by her father and husband.¹¹ 'THIS IS THE GENERAL RULE,' taught in the chapter,¹² 'Now these are the vows,' is meant to extend [the law] to where the father delivered her to her [betrothed] husband's messengers, or where the father's agents delivered her to the messengers of the [betrothed] husband, [and it teaches] that the husband cannot annul [vows] made [by her] previously.¹³

MISHNAH. THERE ARE NINE MAIDENS WHOSE VOWS¹⁴ STAND:¹⁵ [i] A BOGERETH WHO [VOWED] AND IS AN ORPHAN;¹⁶ [ii] A MAIDEN [WHO VOWED] AND [THEN] BECAME A BOGERETH AND IS AN ORPHAN;

1. I.e., in the clause just quoted, R. Ishmael rules Yafer, he may annul; R. Akiba: Lo yafer, he cannot annul. In the next clause it is the reverse, R. Ishmael says, Lo Yafer; and R. Akiba: Yafer.
2. The husband's annulment whilst she is married is invalid after divorce.
3. Thus in both cases R. Ishmael maintains that the woman's status when the vow is to take effect is the deciding factor, and R. Akiba holds that it depends on her status when she vows.
4. Num. XXX, 10.
5. And that in that case it 'shall stand against her', i.e., it cannot be annulled, proving that the incidence of the vow is what matters.
6. I.e., that she makes the vow then, and that in that case her husband cannot annul.
7. Since in both clauses of the Mishnah the matter is determined by the time when the vow was made.
8. Adopting the reading of BaH. v. Ran.
9. If she is unmarried, and vows to be a Nazirite when she marries, there must be a change of status between the making of the vow and its incidence; in that case R. Ishmael rules that we regard the latter. But if she merely postpones the incidence of the vow, she may bear the same status when the vow becomes operative as when it is made; there R. Ishmael may admit that we regard the time of making the vow.
10. *Supra* 71a. Whenever a general rule is stated, it is always meant to add to the specific case actually given.
11. When the father gives over his daughter to the messengers of the husband to escort her to her

NEDORIM – 45b-91b

new home, she is regarded as a Nesu'ah, and has passed out of her father's authority. But if he or his messengers accompany her, together with her husband's messengers, she is yet under his authority, and he still shares the power to annul with her husband. On this home-taking ceremony v. Keth. 48b.

12. I.e., in the present Mishnah, which forms part of Chapter XI.
13. I.e., vows made before her homecoming. Having passed out of her father's authority, (v. n. 2) she is her own mistress until she enters her husband's home, and if she vowed in the interval, he cannot annul.
14. 'Maidens' is not used here in the restricted sense of Na'arah, but means girls and women in general who were betrothed while still in the stage of Na'arah.
15. I.e., they cannot be annulled.
16. The reference is to 'an orphan during her father's lifetime,' i.e., one who was married with nissu'in, and then widowed or divorced. Even if she is still a minor, her father no longer has any authority over her, so she is called 'an orphan during her father's lifetime.'

Nedarim 89b

[iii] A NA'ARAH WHO IS NOT YET A BOGERETH, AND IS AN ORPHAN;¹ [iv] A BOGERETH [WHO VOWED] AND WHOSE FATHER DIED;² [v] A NA'ARAH [WHO VOWED] AND IS NOW A BOGERETH AND WHOSE FATHER DIED;² [vi] A NA'ARAH WHO IS NOT YET A BOGERETH AND WHOSE FATHER DIED; [vii] A MAIDEN WHOSE FATHER DIED, AND AFTER HER FATHER DIED SHE BECAME A BOGERETH;³ [viii] A BOGERETH⁴ WHOSE FATHER IS ALIVE; [ix] A MAIDEN TURNED BOGERETH, WHOSE FATHER IS ALIVE.⁵ R. JUDAH SAID: ALSO ONE WHO MARRIED HIS DAUGHTER WHILST A MINOR, AND SHE WAS WIDOWED OR DIVORCED AND RETURNED TO HIM [HER FATHER] AND IS STILL A NA'ARAH.

GEMARA. Rab Judah said in Rab's name: These are the words of R. Judah. But the Sages say: The vows of three maidens stand: [i] a Bogereth; [ii] an orphan; and [iii] an orphan during her father's lifetime.⁶

MISHNAH. [IF SHE VOWS,] 'KONAM THAT I BENEFIT NOT FROM MY FATHER OR YOUR FATHER IF I PREPARE AUGHT FOR YOU,'⁷ OR, 'KONAM THAT I BENEFIT NOT FROM YOU, IF I PREPARE AUGHT FOR MY FATHER OR YOUR FATHER,' HE CAN ANNUL.

GEMARA. It was taught: [If she vows, 'Konam] that I benefit not from my father or your father, if I prepare aught for you,' — R. Nathan said: He cannot annul;⁸ the Sages maintain: He can annul.⁹ 'May I be removed from Jews,¹⁰ if I minister to you,' — R. Nathan said: He cannot annul: the Sages rule: He can annul.

A man once vowed not to benefit from the world if he should marry before having studied *Halachah*:¹¹ he ran with ladder and cord,¹² yet did not succeed in his studies. Thereupon R. Aha son of R. Huna came and led him into error,¹³ and caused him to marry;

1. So Asheri: A Na'arah who vowed before becoming a Bogereth, and was orphaned (and is still not a Bogereth). [These three belong to the group of maidens whose vows cannot be annulled because they are orphans (as defined).]
2. [She made a vow as Na'arah, lost her father and is still a Na'arah. These three belong to the group of maidens whose vows cannot be annulled because they have no fathers.]
3. [She lost her father, vowed, and then became a Bogereth.]
4. I.e., who vowed as a Bogereth.
5. I.e., who vowed as a Na'arah, but comes to enquire about annulment when she is a Bogereth. [These three belong to the group of maidens whose vows cannot be annulled because they have reached the status of Bogereth.]
6. V. p. 905, n. 7. There is actually no conflict, R. Judah's nine being included in the Sages' three. R. Judah's enumeration is merely in greater detail, and intended to sharpen his disciples' minds (T. J. a.l.).
7. Lit., 'for thy mouth'.
8. He does not regard it as a vow of self-denial, for she can refrain from doing anything for her husband.
9. Since she is in duty bound to serve her husband.

NEDORIM – 45b-91b

10. Cf. p. 909, n. 7.
11. Laws. For a discussion of the full meaning of the term *Halachah* v. Weiss, Dor. I, 70.
12. [H] is the ladder by which one ascends the palm tree to gather its dates; [H], is the cord whereby its branches are pulled down, to facilitate gathering whilst one stands on the ground. — The expression is metaphorical: he made every possible effort.
13. By making him believe that if he married the vow would not be valid.

Nedarim90a

then daubed him with clay¹ and brought him before R. Hisda.² Said Raba: Who is so wise as to do such a thing if not R. Aha son of R. Huna, who is [indeed] a great man? For he maintains: Just as the Rabbis and R. Nathan disagree in reference to annulment, so also with respect to absolution.³ But R. Papi said: The disagreement is only in respect to annulment, R. Nathan holding that the husband cannot annul unless the vow has already become operative, for it is written, Then the moon shall be confounded;⁴ whilst the Rabbis maintain: The husband can annul even before the vow takes effect, as it is written, He maketh void the intentions of the crafty.⁵ But as for absolution, all agree that a Sage cannot permit anything until the vow is operative, for it is written, He shall not break his word.⁶

Shall we say that the following supports him? [If he vows,] 'Konam that I benefit not from So-and-so, and from anyone from whom I may obtain absolution for him,' he must obtain absolution in respect of the first, and then obtain absolution in respect of the second.⁷ But if you say, absolution may be granted even before the vow takes effect, surely he can be absolved in whatever order he pleases!⁸ — And who knows whether this one is first and that the other is the second?⁹

Shall we say that this supports him: [If he vows,] 'Konam that I benefit not from So-and-so, and behold! I will be a Nazirite if I be absolved therefrom'; he must be absolved of his vow, and then of his Naziriteship.¹⁰ But if you say, absolution may be granted before the

vow takes effect, if he wishes, let him first be absolved of his vow; and if he wishes, let him first be absolved of being a Nazirite? — This agrees with R. Nathan.¹¹

Rabina said: Meremar told me: Thus did your father say in R. Papi's name: The controversy is only in reference to annulment, but in respect to absolution all agree that he [the Sage] may grant it even before the vow is operative,¹² because it is written, 'He shall not break his word,'

1. I.e., his garments. To show him that the services of other people were indispensable: he would straightway need someone to clean his garments (Ran).
2. For absolution.
3. V. *supra* 89b. R. Nathan maintains that since the vow is not yet operative, he cannot annul, whilst the Rabbis hold that he can annul it though as yet inoperative. So with reference to absolution: in R. Nathan's view, one can be absolved from his vow only when it is in effect, etc. For that reason he caused him to marry first, and did not have the vow annulled immediately.
4. Isa. XXIV, 23; Heb. [H]. This is merely quoted as a sign. [H] is similar to [H] (and he shall disallow her), whilst [H] is connected with [H] to build, and thus, by a play on words, the phrase is translated: and he shall disallow her, when the edifice (of the vow) be erected, i.e., when the vow is operative, but not before. [It is however omitted from MS.M.]
5. Job V, 12, i.e., even when a vow is as yet merely an intention, not having taken effect, it can be annulled.
6. Num. XXX, 3: Rashi translates: he (the Rabbi) shall not break (i.e., grant absolution for) his vow, i.e., as long as it is only a word, which has not yet taken effect. Asheri observes: from this we deduce, he (who vowed) may not break his word, but another (sc. a Sage) may break it, i.e., grant absolution, but that is only when 'he must do according to all that proceedeth out of his mouth,' viz., when the vow is operative.
7. I.e., the Sages who became subject to the vow on account of having granted absolution.
8. Lit., 'if he wishes, he can be absolved of this one first, and if he wishes, he can be absolved of the other first.' — Thus this supports R. Papa's contention.
9. I.e., indeed that is so: 'first' and 'second' need not refer to the order in which he vowed, but to the order of absolution.

NEDORIM – 45b-91b

10. Here it is explicitly stated that he can only be absolved of being a Nazirite after absolution of his vow, when his conditional vow to be a Nazirite has taken effect.
11. I.e., R. Abba b. R. Huna may be correct in asserting that this is a matter of dispute, and this Baraitha is taught according to R. Nathan.
12. The reverse of what was said above.

Nedarim 90b

intimating that no act had yet taken place.¹

An objection is raised: [If he vows,] 'Konam that I benefit not from So-and-so, and from anyone from whom I obtain absolution for him'; he must be absolved in respect of the first, and then obtain absolution in respect of the second. But why so? Let him be absolved in whichever order he pleases!² — Who knows which one is first or which one is second?³

An objection is raised: [If he vows,] 'Konam that I benefit not from So-and-so, and behold! I will be a Nazirite if I be absolved therefrom': he must be absolved of his vow, and then of his Naziriteship. But why so? If he wishes, let him first be absolved of his vow, and if he wishes, let him first be absolved of being a Nazirite! This is indeed a refutation.

MISHNAH. AT FIRST IT WAS RULED THAT THREE WOMEN MUST BE DIVORCED AND RECEIVE THEIR *KETHUBAH*:⁴ SHE WHO DECLARES: I AM DEFILED TO YOU';⁵ OR 'HEAVEN IS BETWEEN YOU AND ME';⁶ AND 'MAY I BE REMOVED FROM JEWS.'⁷ BUT SUBSEQUENTLY, TO PREVENT HER FROM CONCEIVING A PASSION FOR ANOTHER⁸ TO THE INJURY OF HER HUSBAND,⁹ THE RULING WAS AMENDED THUS: SHE WHO DECLARED, 'I AM DEFILED UNTO YOU,' MUST BRING PROOF: 'HEAVEN IS BETWEEN ME AND YOU' — THEY SHOULD ENGAGE IN PRAYER,¹⁰ AND 'MAY I BE REMOVED FROM JEWS' — HE [THE HUSBAND] MUST ANNUL HIS PORTION,¹¹ AND SHE SHALL MINISTER TO HIM,

WHILST REMAINING REMOVED FROM JEWS.

GEMARA. The scholars propounded: If she declared to her husband, 'I am defiled to you,'¹² may she eat of *Terumah*?¹³ — R. Shesheth ruled: She may eat thereof, so as not to cast a stigma upon her children.¹⁴ Raba said: She may not eat, for she can eat *Hullin*.¹⁵ Raba said: Yet R. Shesheth admits that if she was widowed,¹⁶ she may not eat: is his reason aught but that she should not cast a stigma upon her children? But if she was widowed or divorced [and she ceases to eat of *Terumah*], it will be said, It is only now that she was seduced.¹⁷

R. Papa said, Raba tested us: If the wife of a priest was forcibly ravished,¹⁸ does she receive her *Kethubah* or not? Since forcible seduction in respect to a priest is as voluntary infidelity in respect to an Israelite, she does not receive her *Kethubah*;¹⁹ or perhaps she can plead, 'I personally am fit,'²⁰

1. V. p. 918, n. 2; the vow was not yet operative, and we deduce that the Sage can cause him, by absolution, to break his word. So Ran. Rashi: thus asserting that the act (sc. of R. Abba b. R. Huna, v. 89b end) was unnecessary.
2. V. p. 918, n. 4.
3. V. p. 918, n. 5.
4. V. [Glos.](#)
5. I.e., unfaithful.
6. I.e., her husband is impotent — a thing that, apart from herself, can be known only to Heaven.
7. Including her own husband. By this vow she shewed that cohabitation was unbearable to her, and therefore could demand to be divorced and receive her *Kethubah*.
8. Lit., 'casting her eyes at another man.'
9. [[H]. A difficult phrase. According to the rendering adopted, the meaning is: She will purposely make one of these declarations in order to obtain her freedom against his will. Ran explains: She may go to a place where nothing is known of her vow and marry there. He seemed to have taken this phrase as denoting: She will act unseemly (whilst still) with her husband, and as referring only to the declaration 'May I be removed from Jews'.]
10. That his impotency might cease (Tosaf.) [Lit., 'They should act by way of a request'. Ran: attempts should be made to placate the wife.

NEDORIM – 45b-91b

Rashi: the husband should be asked to agree to a divorce.]

11. I.e., as far as he personally is concerned.
12. This refers to the wife of a priest.
13. If it is true, she certainly must not. Yet the Mishnah in its second recession ruled that she must first prove it. Now the question arises, Do we disbelieve her in all respects, in which case she may eat of *Terumah*, or only in respect of a divorce?
14. If she refrains, it will be assumed that she told the truth, in which case her children may be bastards.
15. None will observe that she consistently refrains from eating *Terumah* and no aspersions will be cast upon her children.
16. Rashi and Tosaf. read: or divorced.
17. Thus her refraining leaves the honor of her children unaffected.
18. If the wife of an Israelite is seduced: if voluntarily, she becomes forbidden to him; if forcibly, she remains permitted. But the wife of a priest is forbidden in both cases.
19. As is the case of an Israelite's wife who committed adultery of her own free will.
20. Having been forcibly ravished, she has committed no wrong.

Nedarim 91a

it is only the man whose field has been ruined?'¹ And we answered him, It is [taught in] our Mishnah: (SHE WHO DECLARES,) 'I AM DEFILED TO YOU,' RECEIVES HER *KETHUBAH*. Now to whom does this refer? Shall we say, to the wife of an Israelite: If of her own free will, does she receive her *Kethubah*? Whilst if by force, is she forbidden to her husband?² Hence it must refer to the wife of a priest: now, if of her own free will, does she receive the *Kethubah*? Is she of less account³ than the wife of an Israelite, [who sinned] voluntarily? Hence it must surely mean by force; and it is stated that she receives her *Kethubah*.

The scholars propounded: What if she declares to her husband, 'You have divorced me'?⁴ — R. Hamnuna said: Come and hear: SHE WHO DECLARES, 'I AM DEFILED TO YOU': Now even according to the later Mishnah,⁵ which teaches that she is not believed, it is [only] there that she may lie, in the knowledge that her husband does not

know;⁶ but with respect to 'You have divorced me,' of [the truth of] which he must know, she is believed, for there is a presumption [that] no woman is brazen in the presence of her husband.⁷ Said Raba to him: On the contrary, even according to the first Mishnah, that she is believed, it is [only] there, because she would not expose herself to shame;⁸ but here it may happen that she is stronger [in character] than her husband,⁹ and so indeed be brazen.

R. Mesharsheya objected: 'HEAVEN IS BETWEEN ME AND YOU,' as ruled by the early Mishnah, refutes Raba's view; for here it involves no shame for her, yet it is stated that she is believed? — Raba holds that there, since she cannot avoid declaring whether the emission is forceful or not, were it not as she said, she would not make the charge.¹⁰

But let 'HEAVEN IS BETWEEN US,' as ruled by the later Mishnah, refute R. Hamnuna's view, for here she knows that her husband knows,¹¹ yet it is taught that she is not believed? — R. Hamnuna maintains that here too she would argue to herself, 'Granted that he knows that cohabitation has taken place, does he know whether the emission is forceful'?¹² Therefore she may be lying.

A certain woman was accustomed to rise [in the morning] and wash her husband's hands whenever intimacy had taken place. One day she brought him water to wash. 'But,' exclaimed he, 'nothing has taken place to-day!' 'If so,' she rejoined, [it must have been] 'one of the gentile

1. I.e., it is his sanctity, not my wrong-doing, that prohibits me to him.
2. Surely not! and there is no need to divorce her.
3. I.e., is her sin of less account?
4. Is she believed in spite of his denial, or may it be a ruse to gain her freedom?
5. I.e., the Mishnah as it was subsequently amended.
6. Whether her statement is true.
7. I.e., she would not be brazen enough to tell such a lie in his presence, wherefore she is believed.
8. If she had not actually been ravished.

NEDORIM – 45b-91b

9. So Ran. Rashi: her husband might have ill-treated her; she has conceived a strong passion for (another) man.
10. I.e., since it is a charge of extreme delicacy and unpleasantness, she would not make it if it were untrue.
11. Whether the charge is true or not.
12. Surely not, for only the woman can feel that.

Nedarim 91b

perfume sellers¹ who were here to-day; if not you, perhaps it was one of them.' Said R. Nahman: She had conceived a passion for another, and her declaration has no substance.²

A certain woman shewed displeasure with her husband. Said he to her, 'Why this change now?' She replied, 'You have never caused me so much pain through intimacy as to-day.' 'But there has been none to-day!' he exclaimed. 'If so,' she returned, [it must have been] 'the gentile naphtha sellers who were here to-day; if not you, perhaps it was one of them.' Said R. Nahman: Disregard her; she had conceived a passion for another.

A certain man was closeted in a house with a [married] woman. Hearing the master [her husband] entering, the adulterer broke through a hedge and fled.³ Said Raba: The wife is permitted; had he committed wrong, he would have hidden himself [in the house].⁴

A certain adulterer visited a woman. Her husband came, whereupon the lover went and placed himself behind a curtain before the door.⁵ Now, some cress was lying there, and a snake [came and ate] thereof; the master [her husband] was about to eat of the cress, unknown to his wife. 'Do not eat it,' warned the lover, 'because a snake has tasted it.' Said Raba: The wife is permitted: had he committed wrong, he would have been pleased that he should eat thereof and die, as it is written, For they have committed adultery, and blood is in their hands.⁶ Surely that is obvious? — I might think that he had committed wrong, and as for his warning, that is because he prefers the husband not to die, so

that his wife may be to him as stolen waters are sweet, and bread eaten in secret is pleasant;⁷ therefore he teaches otherwise.

1. Lit., 'dealers in aloe'.
2. I.e., she is disbelieved. The reference here is to the wife of a priest; v. p. 280, n. 9. For if she were the wife of an Israelite, she would not be forbidden to him even if it were true. Ran.
3. [In the presence of the husband ('Aruch).]
4. That the husband should remain in ignorance of his presence.
5. So Ran. 'Aruch: and placed himself in a concealed arch by the gate.
6. Ezek. XXIII, 37.
7. Prov. IX, 17. Though this Tractate ends with a number of stories referring to adultery, these are not to be taken as reflecting general conditions. The strong opposition to unchastity displayed by the Prophets and the Rabbis, as well as the practice of early marriage, would have conduced to higher moral standards. V. J.E. art. 'Chastity'.