NEDARIM

TRANSLATED INTO ENGLISH
WITH NOTES, GLOSSARY
AND INDICES

INTRODUCTION

Nedarim, 'Vows' is generally regarded as the third Tractate of Nashim, 'Women',(1) though the order of the Tractates is not uniform in all editions. The first nine chapters have no particular connection with women, yet the tractate is included in this Order on account of the last two chapters, which treat of the husband's power to annul the vows of his wife and the father's power to annul those of his daughter. According to Maimonides in the Introduction to his commentary on the Mishnah, this Tractate immediately follows Kethuboth because once a woman has entered under the huppah (bridal canopy) and the provisions of the ketkubah (marriage settlement) are operative, her husband has the right to annul her vows.

The making of vows would appear to have been a frequent practice in ancient life. People voluntarily denied themselves permitted pleasures, though the Rabbis frowned upon unnecessary asceticism, holding it a sin to abstain from legitimate enjoyment. Again, to express anger or resentment, vows were made whereby one forbade himself to benefit from the object of his displeasure, or forbade the latter to benefit from him. It may be remarked in this connection that the Rabbis disapproved of the whole practice of vowing, so much so that one might rightly speak of the vows of the wicked, but not of the vows of the righteous (Mishnah, 9a). And in making vows of abstinence people, as a rule, did not say, 'I vow that So-and-so shall be forbidden to me,' for a definite technique of vowing had in course of time been evolved. Generally speaking, they related their vow to the Temple Service, as the religious centre of their lives, and would declare, 'Let So-and-so be to me as a korban, sacrifice,' which meant that it was to be prohibited. Yet there was a tendency to avoid the actual use of the word korban, and similar sounding substitutes were employed instead. The first two chapters deal with this technique of vowing: which formulas were valid (chapter 1) and which were not (chapter 2).

The third chapter treats of vows which for certain reasons were not recognised as vows at all, but merely as rhetorical means of emphasizing one's determination, such as vows taken in business transactions to enhance or depress the value of merchandise. An excursus at the end of the chapter gives definitions of the persons to be understood by particular terms, as when e.g., one vows not to benefit from land-dwellers, seafarers, the children of Noah, the seed of Abraham, etc. In this connection a definition of 'circumcised' is given, and this is made the opportunity for a digression on the vital importance of circumcision in Judaism. These definitions may be regarded as a fitting introduction to the subject-matter of chapter 4 which is to define the scope of vows, such as the extent to which one is forbidden when he is under a vow not to eat aught of his neighbour. and when he is under a vow not to benefit from his neighbour.

Chapter 5 deals with partners in property who subject one another to vows, and how their partnership rights are thereby affected. It is characteristic of the high place kindliness and pity hold in Judaism that the chapter proceeds to discuss how one who may not confer benefit upon his neighbour as a result of a vow may nevertheless help him in distress. Some of the expedients permitted may appear to be and are in fact mere evasions; but they correspond to the finer instincts of the true ethical values of religion.

Chapters 6 and 7 contain a further series of definitions. But whereas the excursus at the end of chapter 3 treats of definitions of persons, we have here definitions of common terms

used in vowing, e.g., what is understood when one vows to abstain from boiled food, food prepared in a pot, roast, milk, various fruits, vegetables, house, etc. In the following chapter time-definitions form the main subject: what is meant by day, month, year, etc., when one sets these as limits to his vow, and how they are affected by the intercalation of the month or the year.

The frequency and possibly light-hearted spirit with which vows were made, only to be regretted latcr in calmer moments, made it necessary to provide for their remission, when this was desired. Nevertheless, absolution could not be granted at one's mere request, but some grounds for regret had to be found. For it was presumed that had these grounds been present to the mind of the vower at the time, he would have refrained from vowing. This presumption sufficed to render it a vow made in error and thereby warrant its nullification. The ninth chapter deals with the grounds upon which absolution may be granted.

As has already been stated, it is to the 10th and 11th chapters that this Tractate owes its inclusion in the present Order. The former deals with the persons who can annul a woman's vows, viz., her father and her husband, and under what conditions. Finally the last chapter discusses which vows a husband can annul. It may be observed that though a woman's vows were thus subject to annulment by her father or husband (in the latter case only where they affected him), neither had the power to impose vows upon her, such as was recognised in some ancient non-Jewish legal systems.

The text, particularly in the halachic portion, is in some disorder, far more so than is the case of other Tractates of the Talmud. A great number of readings differing from those of the cur. edd. are preserved in the standard commentaries of Rashi, Ran, Ashen and Tosafoth. These variants are not merely linguistic, but in many cases materially affect the thread of the discussion. Naturally, interpretation is affected too, and the necessary changes consequent upon the changes in the text have been indicated in the notes.

There is very little Aggada in this Tractate. The most noteworthy passages and Aggadic sayings are those dealing with the great importance of circumcision; the emphasis that learning must be free; the enumeration of the things created before the Creation of the world; the importance of sick visiting; the story of R. Akiba's rise from a poor shepherd to a great teacher in Israel, bound up, in true romantic fashion, with a tender love-story; the warning against selfish motives in study — 'he who makes use of the crown of the law is uprooted from the world'; and the exhortation: 'Take heed of the sons of the poor, for from them cometh Torah' — a democratic assertion fitting for a cultural and religious system which always strives to assess a man's worth not by his material wealth and possessions but by the higher standard of piety and knowledge.

The Indices of this Tractate have been compiled by Judah J. Slotki, M. A.

PREFATORY NOTE BY THE EDITOR

The Editor desires to state that the translation of the several Tractates, and the notes thereon, are the work of the individual contributors and that he has not attempted to secure general uniformity in style or mode of rendering. He has, nevertheless, revised and supplemented, at his own discretion, their interpretation and elucidation of the original text, and has himself added the notes in square brackets containing alternative explanations and matter of historical and geographical interest.

ISIDORE EPSTEIN

Folio 2a

CHAPTER I

MISHNAH. ALL THE SUBSTITUTES FOR [THE FORMULAS OF] VOWS HAVE THE VALIDITY OF VOWS.(1) THOSE FOR HARAMIM ARE LIKE HARAMIM,(2) THOSE FOR OATHS ARE LIKE OATHS, AND THOSE FOR NEZIROTH ARE LIKE NEZIROTH.(3) IF ONE SAYS TO HIS NEIGHBOUR, 'I AM DEBARRED FROM YOU BY A VOW, [OR] I AM SEPARATED FROM YOU,' [OR] 'I AM REMOVED FROM YOU, IN RESPECT OF AUGHT(4) THAT I MIGHT EAT OF YOURS OR THAT I MIGHT TASTE OF YOURS,' HE IS PROHIBITED. IF HE SAYS: I AM BANNED TO YOU,' THEN R. AKIBA WAS INCLINED TO GIVE A STRINGENT RULING.(5)

1. The principal form of a vow to abstain from anything is: 'This shall be to me as a korban (Heb. sacrifice); korban was sometimes substituted by konam or konas.
2. Herem (plural haramim): a vow dedicating something to the Temple or the priests.
3. Neziroth: the vow of a nazirite. A nazirite had to abstain from grapes and intoxicating liquors and refrain from cutting his hair and defiling himself through the dead.
4. [Reading , Var. lec. 'for I will eat naught of yours'.]
5. I.e., declared the vow binding. [According to Maimonides, provided he adds: 'for I will eat naught of yours'. Tosaf., however, (infra 7a) holds that the phrase by itself implies a vow to abstain from aught belonging to the other person.]

Nedarim 2b

GEMARA. ALL THE SUBSTITUTES FOR [THE FORMULAS OF] VOWS HAVE THE VALIDITY OF VOWS: Why other clauses(1) not stated in [the Mishnah of] Nazir,(2) whilst [our Mishnah of] Nedarim includes them all? — Because oaths and Vows are written side by side [in the Bible](3) they are both stated, and since the two are mentioned, the others are stated also. Then let OATHS be taught immediately after VOWS? — Because he states vows In which the article is forbidden to the person, he follows it up with HARAMIM, where likewise the article is forbidden to the person. OATHS, however, are excluded [from the category of vows], since oaths bind the person to abstain from a thing;(4) [hence they cannot immediately follow vows].

The Mishnah commences with substitutes: ALL THE SUBSTITUTES FOR [THE FORMULAS OF] VOWS etc., yet proceeds to explain the laws of abbreviations of VOWS: IF ONE SAYS TO HIS NEIGHBOUR: I AM DEBARRED FROM YOU BY A VOW … WITH HIS VOW;(5) moreover, [the Tanna] has altogether omitted to state that abbreviations [are binding]? — [The Tanna does] speak of them, but our text is defective,(6) and this is what was really meant: ALL SUBSTITUTES and abbreviations OF VOWS HAVE THE VALIDITY OF VOWS. Then let substitutes be first explained? — The clause to which [the Tanna] has last referred is generally first explained, as we have learned: Wherewith may [the Sabbath lights] be kindled, and wherewith may they not be kindled? They may not be kindled etc.(7) Wherein may food be put away [to be kept hot for the Sabbath], and wherein may it not be put away? It may not be put away [etc.].(8) Wherewith may a woman go out (from her house on the Sabbath], and wherewith may she not go out? She may not go out from etc.(9) [Is it then a universal rule] that the first clause is never explained first? But we have learnt: Some relations inherit from and transmit [their estate] to others; some inherit but do not transmit. Now, these relations inherit from and transmit to each other etc.(10) Some women are permitted to their husbands but forbidden to their husbands' brothers;(11) others are the reverse. Now, these are permitted to their husbands but forbidden to their husbands' brothers etc.(12) Some meal offerings require oil and frankincense, others require oil but no frankincense. Now, these require both oil and frankincense etc.(13) Some mealofferings must be taken [by the priest to the south-west corner of the altar], but do not need waving;(14) others are the reverse. Now, these must be taken to the altar etc.(15) Some are treated as first-borns in respect of inheritance(16) but not in respect of the priest;(17) others are treated as first-borns in respect of the priest but not in respect of inheritance. Now who is regarded as a first-born in respect of inheritance but not in respect of the priest etc.?(18) — In these examples [the first clause is explained first] because it contains numerous instances [to which its law applies]. But, 'Wherewith may a beast go out on the Sabbath, and wherewith may it not go out?' where [the first clause does] not contain numerous instances, yet it is explained [first], viz., a camel may go out etc.?

1. Viz., HARAMIM, OATHS, AND VOWS.
2. The tractate Nazir commences likewise: All substitutes for the nazirite vow are binding.
3. Num. XXX, 3: If a man vow a vow unto the Lord, or swear an oath.

4. A vow is thus taken: 'This shall be forbidden tonic,' the prohibition falling upon the thing. An oath, however, is thus taken: 'I swear to abstain from a certain thing,' the prohibition falling upon the person.
5. Since the principal way of making a vow is to declare a thing to be as korban, the omission of such a declaration renders the vow merely an abbreviation or suggestion (lit., 'a handle') of a vow, V. Nazir (Sonc. ed.) p. 2.
6. This may mean either that there is actually a lacuna in the text, words having fallen out, or that though it is correct in itself something has to be supplied to complete the sense; v. Weiss, Dor. III, p. 6. n. 14. The former is the most probable here.
7. Shab. 20b.
8. Ibid. 47b.
9. Ibid. 57a. — In all these examples the second clause is first discussed.
10. B.B. 108a.
11. In Levirate marriage, v. Deut. XXV, 5 seq.
12. Yeb. 84a.
13. Men. 59a.
14. A ceremony in which the priest put his hands under those of the person bringing the offering and waved them to and fro in front of the altar.
15. Ibid. 60a
16. I.e., they receive a double share of their patrimony; v. Deut. XXI, 17.
17. They do not need redemption: v. Ex. XIII, 23.
18. Bek. 46a. In all these examples the first clause is discussed first.

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Hence there is no fixed rule: sometimes the first clause is explained first, at others the last clause is first explained. Alternatively: abbreviations are explained first, because they [sc. their validity] are deduced by exegesis.(1) Then let these be stated first? He [the Tanna] commences indeed with substitutes, since these are Scriptural,(2) and proceeds to explain abbreviations, which are inferred by interpretation only.(3) This harmonises with the view that substitutes are merely the foreign equivalents [of the word korban].(4) But what can be said on the view that they are forms expressly invented by the Sages for the purpose of making vows?(5) — Now, are abbreviations mentioned at all; were you not compelled to assume a defective text? Then indeed place abbreviations first. Thus: All abbreviations of VOWS have the validity of VOWS, and ALL SUBSTITUTES FOR VOWS HAVE THE VALIDITY OF VOWS. These are the abbreviations: IF ONE SAYS TO HIS NEIGHBOUR … And these are the substitutes: Konam, konas, konah.(6)

Now, where are abbreviations written? — When either a man or a woman shall separate themselves to vow a vow [lindor neder] of a nazirite [nazir le-hazzir];(7) and it has been taught: Nazir le-hazzir is to render substitutes and abbreviations of neziroth as neziroth.(8) From this I may infer only the law of neziroth; whence do we know that it applies to other vows too? This is taught by the verse: When either a man or a woman shall separate themselves to vow a vow of a nazirite to the Lord:(9) here ordinary vows are compared to neziroth and vice versa.(10) Just as in neziroth abbreviations are equally binding, so in the case of other vows; and just as in other vows, he who does not fulfil them violates the injunctions: He shall not break his word,(11) and Thou shalt not delay to pay it,(12) so in neziroth. And just as in other vows, the father can annul those of his daughter and the husband those of his wife, so with neziroth.

Wherein does neziroth differ? Because it is written nazir lehazzir! But [in the case of] vows too it is written, lindor neder;(13) then what need is there of analogy? — If the text were neder lindor just as 'nazir le-hazzir', it would be as you say, and the analogy would be unnecessary,' since however, 'lindor neder' is written, the Torah spoke in the language of men.(14) This agrees with the view that the Torah spoke in the language of men; but he who maintains that the Torah did not speak in the language of men,(15) to what purpose does he put this 'lindor neder'? — He interprets it to deduce that abbreviations of vows are as VOWS, and then neziroth is compared to vows; and as to 'nazir le-hazzir' he interprets it as teaching

1. But not explicitly stated in the Bible.
2. I.e., their validity is explicitly stated in the Bible.
3. When stating the law in general terms there is a preference for that which is best known; hence, substitutes, being explicitly taught, are first mentioned. But when going into details, the Tanna prefers to deal first with the lesser known.
4. Hence their validity may be regarded as explicitly stated in the Bible, since it obviously does not matter in which language a vow is taken.
5. V. infra, 10a.
6. V. infra 9a.

7. Num. VI. 2.
8. Sc. equally binding.
9. Ibid.
10. Since they are coupled together. This method of exegesis is known as hekkesh.
11. Ibid. XXX, 3.
12. Deut. XXIII, 22.
13. Lit., 'to vow a vow — likewise a pleonastic form.
14. The point is this: The usual grammatical form is for the verb to precede its cognate object. Hence, when this order is reversed, as in nazir le-hazir, one may directly infer something from the unusual order. When it is observed, however, nothing can be inferred.
15. So that every pleonasm, even if in accordance with the general idiom, gives an additional teaching.

that one nazirite vow falls upon another.(1) Then he who maintains that the Torah spoke in the language of men, and interprets 'nazir le-hazzir' as teaching the validity of abbreviations of neziroth, whence does he learn that a nazirite vow can fall upon another? If he agrees with the view that a nazirite vow does not fall upon another, it is well; but if he agrees with the view that it does, whence does he know it? — Let Scripture say, li-zor [the kal form]; why 'le-hazzir' [the causative]? That you may infer both from it.(2) In the West(3) it was said: One Tanna deduces [the validity of] abbreviations from 'lindor neder'; whilst another deduces it from [the 'phrase], he shall do according to all that proceedeth out of his mouth.(4)

The Master said: 'And just as in other vows, he who does not fulfil them violates the injunctions, he shall not break his wad, and thou shalt not delay to pay it, so in neziroth.' Now, as for 'he shall not break his word' as applying to [ordinary] vows, it is well: it is possible e.g., if one says, 'I vow to eat this loaf', and does not eat it; he violates the injunction, 'he shall not break his word'. But how is, 'he shall not break [his word],' possible in the case of neziroth.? For, as soon as one says, 'Behold, I am a nazir' he is one; if he eats [grapes], he is liable for, nor eat moist drapes or dried;(5) if he drinks [wine], he violates, he … shall drink no vinegar of wine, or vinegar of strong drink, neither shall he drink any liquor of grapes.(6) — Raba answered: It is to transgress two [injunctions].(7) How is 'thou shalt not delay to pay it,' referring to neziroth, conceivable? [For] as soon as one says 'Behold, I am a nazir', he is one; if he eats [grapes], he transgresses, 'neither' shall he … eat moist grapes or dried?' — When one says: 'when I wish, I will be a nazir'.(8) But if he says, 'when I wish', the injunction 'thou shalt not delay' does not apply?(9) — Said Raba: E.g., if he says, 'I must not depart this world before having been a nazir,' for he becomes a nazir from that moment.(10) For this is similar to one who says to his wife: 'Here is your divorce, [to take effect] one hour before my death,' where she is immediately forbidden to eat terumah.(11) Thus we see that we fear(12) that he may die at any moment: so here(13) too, he becomes a nazir immediately, for we say, Perchance he will die now.

1. A nazirite vow for an unspecified period means for thirty days. If one who is already a nazir takes a nazirite vow, it is binding, and becomes operative when the first ends. Thus he translates: a nazir can take a vow le-hazir, to become a nazir after his present vow terminates, v. infra isa.
2. The heavier form le-hazzir implies intensity, therefore it is interpreted as meaning something additional to what might be inferred from the kal li-zor, which itself being pleonastic allows us to infer something not explicit in the verse.
3. I.e., the Palestinian academies.
4. Num. XXX, 3: this embraces every form in which a vow can be made.
5. Ibid. VI, 3.
6. Ibid. [It is assumed that the injunction 'he shall not break his word' can apply only to a case where the vow is nullified by his action, e.g., where he vows to eat and he does not eat, but not where he, for instance, vows not to eat and he does eat, where the vow has not been nullified but transgressed: and similarly in the case of a nazir.]

7. [Raba extends the scope of the injunction to include cases where the oath is transgressed: and thus by drinking wine he transgresses 'he shall it drink', in addition to 'he shall not break his word'.]
8. If he postpones becoming a nazir, he violates, 'thou shalt not delay etc'.
9. Since there is no vow until he so desires.
10. Not actually, but in the sense that he must assume his naziriteship without delay lest he dies the next moment.
11. V. Glos.
12. Lit., 'we say'.
13. In the case of a nazirite.

Folio 4a

R. Aha b. Jacob said: E.g., if one takes a nazirite vow whilst in a cemetery.(1) This agrees with the view that the naziriteship is not immediately binding. But on the view that it is immediately valid, is then, 'he shall not delay,' applicable?(2) Moreover, Mar, son of R. Ashi, said: The vow is immediately valid, and they differ(3) only on the question of flagellation? — Nevertheless he violates, 'thou shalt not delay,' because the [ritually] clean naziriteship is delayed. R. Ashi said: Since this is so, [it follows that] if a nazir intentionally defiles himself, he transgresses thou shalt not delay in respect to [the recommencement of] the clean naziriteship.

R. Aha, the son of R. Ika, said: He(4) might transgress 'that shalt not delay' in respect to shaving.(5) Now, this goes without saying according to the view that shaving is indispensable,(6) but even on the view that the shaving is not a bar [to the sacrifices], nevertheless he does not observe the precept of shaving. Mar Zutra the son of R. Mari said: He might violate 'Thou shalt not delay' in respect to his sacrifices. Is this deduced from here; surely, it is rather inferred from elsewhere: [When thou shalt vow a vow unto the Lord, thou shalt not slack to pay it, for the Lord thy God] will surely require it of thee:(7) this refers to sin-offerings and trespass-offerings?(8) — I might say that the Torah set up an anomaly(9) in the case of nazir.(10) What is the anomaly? Shall we say, the fact that a vow to bring the sin-offering of a nazir(11) is invalid: but a sin-offering for heleb(12) cannot be made obligatory by a vow,(13) yet one transgresses, 'thou shalt not delay'? But the anomaly is this: I might have thought, since even if one says, 'I will be a nazir only with respect to the kernels of grapes,'(14) he is a nazir in all respects. I would think that he does not violate, Thou shalt not delay'; therefore we are told [otherwise].(15) Now, this is well according to the opinion that a vow of naziriteship in respect of the kernels of grapes makes one a nazir in all respects; but on the view of R. Simeon, viz., that one is not a nazir unless he separates himself from all, what can be said? Moreover, this is an anomaly in the direction of greater stringency?(16) — But the anomaly is this: I might have thought, since

1. A nazir may not defile himself through the dead. Consequently the vow does not become immediately operative, but he must not delay to leave the cemetery so that it shall become binding.
2. Surely not, for he is an actual nazir, subject to all the provisions of a nazir.
3. Sc. R. Johanan and Resh Lakish, in Nazir 16b.
4. The nazirite.
5. After the completion of his naziriteship: v. Num. VI, 9, and thus violate the injunction 'thou shalt not delay'.
6. Lit., 'hinders' — the offering of the sacrifices on the completion of naziriteship, hence delay in shaving involves a delay in sacrifices.
7. Deut. XXIII, 22.
8. And this would cover the case of a nazirite. For what purpose then the application of the verse 'thou shalt not delay' to the nazirite?
9. Lit., 'a novelty' — as such it cannot be included in other general laws, as it is a principle of exegesis that an anomaly stands in a class by itself.

10. Which includes a nazir's sacrifices.
11. By one who is not nazirite.
12. Forbidden fat.
13. A vow to bring a sin-offering which is normally due for eating heleb is not binding if the vower is not actually liable.
14. V. Num. VI, 4.
15. By the coupling of the nazirite vow with other vows in the same sentence.
16. How then would we think that the injunction does not apply, so that it is more lenient

if he shaves himself for one [sacrifice] of the three, he fulfils his duty.(1) therefore he should not be subject to, 'Thou shalt not delay'; hence we are told [that it is not so]. An alternative answer is this: the anomaly is that it cannot be vowed; but as to your difficulty of the sin-offering for heleb,(2) — the sin-offering for heleb comes for atonement,(3) but for what does the sin-offering of anal come?(4) But the sin-offering of a woman who gave birth,(5) which does not come for an atonement, yet one violates, 'thou shalt not delay' on account thereof? — That permits her to eat of sacrifices.(6)

The Master said: 'And just as in other vows, the father can annul those of his daughter and the husband those of his wife, so in the case of neziroth, the father can annul the neziroth of his daughter and the husband that of his wife'. But what need is there of analogy; let us infer it from VOWS by general similarity?(7) — Perhaps he can annul only in the case of other vows, because their duration is unlimited; but with respect to neziroth, the duration of which is limited — for an unspecified vow of neziroth is for thirty days, — I might say that it is not so.(8) Hence we are informed [otherwise].(9)

IF ONE SAYS TO HIS NEIGHBOUR, I AM DEBARRED FROM YOU BY A VOW' etc. Samuel said: In all these instances he must say, 'in respect of aught that I might eat of yours or that I might taste of yours'. An objection is raised: [If one says to his neighbour], 'I am debarred from you by a vow,' [or] 'I am separated from you.' [or] 'I am removed from you', he is forbidden [to derive any benefit from him]. [If he says,] 'That which I might eat or taste of yours' [shall be to me prohibited], he is forbidden!(10) — This is what is taught: When is this? If he adds 'in respect of aught that I might eat or taste of yours.' But the reverse was taught: [If one says to his neighbour,] 'That which I might eat or taste of yours' [shall be prohibited to me], he is forbidden; 'I am debarred from you by a vow', [or] 'I am separated from you', [or] 'I am removed from you,' he is [likewise] forbidden! — Read thus: Providing that he had first said, 'I am debarred from you, etc.'(11) If so, it is identical with the first [Baraitha]?(12) Moreover, why teach further, 'he is forbidden' twice?(13) — But this is what Samuel really said: Because he said, 'in respect of aught that I might eat of yours or that I might taste of yours', the maker of the vow alone is forbidden while his neighbour is permitted;(14)

1. A nazir at the termination of his vow is bound to bring three sacrifices, viz., a burnt-offering, a sin-offering, and a peace-offering. Yet if he shaves and brings only one, the prohibitions of a nazir, such as the drinking of wine, etc., are lifted. This is a unique law, and in the direction of greater leniency.
2. Supra p. 7, n. 10.
3. Hence one violates the injunction by delaying to make atonement.
4. Though technically a sin-offering, it is, in fact, merely part of a larger vow. Hence it is an anomaly that it cannot be vowed separately.
5. V. Lev. XII, 6ff.
6. Which may be an obligation. e.g., the eating of the Passover sacrifice. Hence 'thou shalt not delay' is applicable.

7. Since naziriteship is a form of vow. Lit., 'as we find concerning', a method of hermeneutics whereby an analogy is drawn from one case for one single similar case, as distinct from hekkesh (supra p. 4, n. 6) where the analogy is based on the close connection of the two subjects in one and the same context.]
8. Since the vow will automatically lapse.
9. By the analogy.
10. The first clause proves that the vow is valid without the addition.
11. According to this rendering, the bracketed 'shall be prohibited to me' must be deleted.
12. Why then is the order reversed? This difficulty arises in any case. But if each clause is independent, it can be answered that the second Baraitha intentionally reverses the clauses, so as to make their independence obvious, since the interpretation 'providing that he had first said' is forced; whilst in the first Baraitha the assumption that the second clause is an addition to the first is quite feasible.
13. Seeing that the whole refers to one vow.
14. To benefit from him.

Folio 5a

but if he merely says. 'I am debarred from you by a vow,' both are forbidden. Just as R. Jose son of R. Hanina said: [If one says to his neighbour] 'I am debarred from you by a vow,' both are forbidden.

We learnt: [If one says to his neighbour,] 'Behold! I am herem(1) to you,' the muddar(2) is forbidden.(3) But the maddir(2) is not [forbidden]?(4) — E.g., if he explicitly states, 'but you are not [herem] to me'. [But does it not continue,] 'You are herem to me', the maddir is forbidden, [implying,] but not the muddar? — E.g., if he explicitly states, 'but you are not [herem] to me.' But what if it is not explicit: both are forbidden? But since the final clause teaches,' I am [herem] to you and you are [herem] to me,' both are forbidden, it is only in that case that both are forbidden, but in general he is forbidden while his neighbour is permitted?(5) But this is how R. Jose son of R. Hanina's [dictum] was stated: [If one says to his neighbour,] 'I am under a vow in respect of you,' both are forbidden; 'I am debarred from you by a vow,' he is forbidden but his neighbour is permitted. But our Mishnah teaches, 'FROM YOU, yet our Mishnah was explained according to Samuel that in all cases he must say, 'in respect of aught that I might eat of yours or that I might taste of yours' — only then is he [alone] forbidden while his neighbour is permitted, but in the case of, 'I am debarred from you by a vow,' both are forbidden? But this is what was originally stated in Samuel's name: It is only because he said, 'in respect of aught that I might eat of yours or that I might taste of yours,' that he is forbidden only in respect of eating. But [if he only said,] 'I am debarred from you by a vow,' he is forbidden even benefit. If so, let Samuel state thus: But if he did not say, 'In respect of aught that I might eat of yours or that I might taste of yours,' even benefit is forbidden to him?(6) But this is what was stated: Only if he says, in respect of aught that I might eat of yours or that I might taste of yours', is he forbidden; but if he [merely] says, 'I am debarred from you by a vow,' it does not imply a prohibition at all. What is the reason? 'I am debarred from you,' [implies] 'I am not to speak to you; 'I am separated from you' [implies] 'I all, to do no business with you'; 'I am removed from you' implies, 'I am not to stand within four cubits of you'.

1. V. Glos.
2. Muddar is the object of the vow; maddir is the man who makes the vow.
3. Infra 47b.
4. This contradicts Samuel's dictum that without the addition the incidence of the vow is reciprocal.
5. Which contradicts R. Jose b. R. Hanina.
6. So the text as amended by BaH.

Nedarim 5b

Shall we say Samuel holds the opinion that inexplicit abbreviations are not abbreviations?(1) — Yes. Samuel makes the Mishnah agree with R. Judah, who maintained: Inexplicit abbreviations are not abbreviations. For we learnt: The essential part of a Get(2) is, 'Behold, thou art free unto all men'. R Judah said: [To this must be added] 'and this [document] shall be unto thee from me a deed of dismissal and a document of release.'(3) Now, what forced Samuel to thus interpret the Mishnah, so as to make it agree with R. Judah: let him, make it agree with the Rabbis, that even inexplicit abbreviations [are binding]?(4) Said Raba: The Mishnah presents a difficulty to him: Why state, IN RESPECT OF AUGHT THAT I MIGHT EAT OF YOURS OR THAT I MIGHT TASTE OF YOURS, let him teach, IN RESPECT OF AUGHT THAT I MIGHT EAT OR THAT I MIGHT TASTE [and no more]? This proves that we require explicit abbreviations.

It was stated: Inexplicit abbreviations — Abaye maintained: They are [valid] abbreviations; while Raba said: They are not [valid] abbreviations. Raba said: R. Idi explained the matter to me. Scripture says, [When either a man or a woman shall] explicitly law a vow of a nazirite, to separate themselves unto the Lord: abbreviations of neziroth are compared to neziroth: just as neziroth must be explicit in meaning, so must their abbreviations be too.

Are we to say that they differ in the dispute of R. Judah and the Rabbis? For we learnt: The essential part of a Get is the words, 'Behold, thou art free unto all men.' R. Judah said: [To this must be added,] 'and this [document] shall be unto thee from me a deed of dismissal and a document of discharge and a letter of release': [Thus] Abaye rules as the Rabbis, and Raba as R. Judah? — [No.] Abaye may assert: My opinion agrees even with R. Judah's. Only in divorce does R. Judah insist that abbreviations shall be explicit, because 'cutting off'(5) is necessary, and this is lacking;(6) but do you know him to require it elsewhere too? Whilst Raba can maintain, My view agrees even with that of the Rabbis. Only in the case of divorce do they say that explicit abbreviations are not essential,

1. I.e., invalid. For the above forms are such, and Samuel maintains that they impose no prohibition at all without the explanatory clauses.
2. V. Glos.
3. Otherwise it is not clear that the divorce is to be effected by the Get. Thus he holds that inexplicit abbreviations are invalid.
4. [For unless Samuel had cogent reasons to make the Mishnah agree only with R. Judah, he himself would not have accepted the view of R. Judah in preference to that of the majority of Rabbis (Ran).]
5. [Referring to Deut. XXIV, 3: 'And he shall write unto her a writ of cutting off' (so literally).]
6. If the abbreviation is inexplicit the severance is not complete.

Folio 6a

because no man divorces his neighbour's wife;(1) but do you know then, [to rule thus] elsewhere?(2)

An objection is raised: [If one says,] 'That is to me,' [or] 'this is to me,' he is forbidden,(3) because it is an abbreviation of ['that is as a] korban [to me].'(4) Thus, the reason is that he said, 'unto me,' but if he did not say, 'unto me,' it is not so:(5) this refutes Abaye? — Abaye replies thus: It is only because he said, 'to me,' that he is forbidden; but if he [merely] said, 'behold, that is,' without adding 'to me' he might have meant, 'behold, that is hefker,'(6) or 'that is for charity.'(7) But is it not stated, 'because it is an abbreviation of, "a korban?"'(8) — But answer thus: Because he said, 'to me,' he [alone] is forbidden, but his neighbour is permitted; but if he said, 'behold, that is', both are forbidden, because he may have meant,(9) 'behold that is hekdesh.(10)

An objection is raised: [If one says,] 'Behold, this [animal] is a sin-offering,' 'this is a trespass-offering,' though he is liable to a sin-offering or a trespass-offering, his words are of no effect. [But if he says,] 'Behold, this animal is my sin-offering,' or 'my trespass-offering,' his declaration is effectual if he was liable. Now, this is a refutation of Abaye!(11) — Abaye answers: This agrees with R. Judah.(12) But Abaye said, My ruling agrees even with R. Judah?(12) — Abaye retracted. Are we to say [then] that Raba's ruling agrees [only] with R. Judah's?(13) — No. Raba may maintain: My view agrees even with that of the Rabbis. Only in the case of divorce do they say that explicit abbreviations are not essential, because no man divorces his neighbour's wife; but elsewhere explicit abbreviations are required.

1. I.e., even if the wording is inexplicit, the whole transaction makes its meaning perfectly clear. [This argument makes it evident that the point at issue between R. Judah and the Rabbis is mainly concerning the phrase [from me', the Rabbis being of the opinion that since no man divorces his neighbour's wife, it is clear that the Get comes 'from him' (Ran); v. Git. 85b.]
2. Elsewhere they may agree that inexplicit allusions are invalid.
3. To benefit from it.
4. So Rashi and Asheri. [Alternatively: Because it is an abbreviation valid for a korban (an offering), and therefore also valid in case of a vow.]
5. Because it is an inexplicit abbreviation.
6. Ownerless property. V. Glos.
7. Hence it is not an abbreviation of a vow at all.
8. [This is difficult. The meaning apparently is that the reason that it is an abbreviation valid for a korban, (v. n. 2) ought to apply also to the declaration 'that is' by itself, since such a declaration too is valid for a korban; v. Ran.]
9. [Where the object vowed was not fit for sacrifice; v. n. 6.]
10. Sanctified property. V. Glos.
11. Since in the first clause the abbreviation is invalid because it is inexplicit.

12. V. supra 5b.

13. Since Abaye's view agrees only with that of the Rabbis.

Nedarim 6b

R. Papa enquired: Are abbreviations valid in the case of kiddushin,(1) or not? Now, how does this problem arise? Shall we say thus: If one said to a woman, 'Behold, thou art betrothed unto me, and said to her companion, 'and thou too,' it is obvious that this is actual kiddushin?(2) — But e.g., If one said to a woman, 'Behold, thou art betrothed unto me,' and then to her companion, 'and thou'. Do we assume that he meant 'and thou too,' and so the second is betrothed;(3) or perhaps he said to her companion, 'and do thou witness it', and so she is not betrothed?

But is R. Papa really in doubt? But since he said to Abaye. Does Samuel hold that inexplicit abbreviations are valid?(4) it follows that he [R. Papa] holds that abbreviations are valid in the case of kiddushin? — R. Papa's question to Abaye was based on Samuel's opinion.(5)

R. Papa enquired: Are abbreviations binding in respect of pe'ah(6) or not? What are the circumstances? Shall we say that one said, 'Let this furrow be pe'ah. and this one too' — that is a complete [declaration of] pe'ah? — His problem arises, e.g., if he [merely] said, 'and this,' without adding 'too'.(7) (Hence it follows that if one says, 'Let the entire field be pe'ah', it is so?(8) — Yes. And it was taught likewise: Whence do we know that if one wishes to render his whole field pe'ah, he can do so? From the verse, [And when ye reap the harvest of thy land, thou shalt not wholly reap] the corner of the field.)9 — Do we say, Since it [sc. pe'ah] is compared to sacrifices, just as abbreviations are binding in the case of sacrifices, so in the case of pe'ah too; or perhaps, the analogy holds good only in respect of [the injunction,] than shalt not delay?(10) Now, where is the analogy found? — For it was taught:

1. Betrothals. V. Glos.
2. Not an abbreviation.
3. Lit., 'kiddushin takes hold on her companion'.
4. In reference to kiddushin, v. Kid. 5b.
5. Recognising that Samuel held abbreviations to be valid in the case of kiddushin.
6. Pe'ah-the corner of the field, which was left for the poor. v. Lev. XIX, 9.
7. [Asheri seems to have read: Did he then mean 'and this too is for pe'ah' or 'and this is for personal expenses'.]
8. The presumption is that R. Papa's problem arises only if the first furrow alone contained the necessary minimum, for otherwise the second would certainly be pe'ah; therefore the second furrow is in addition to the requisite minimum, and becomes pe'ah, if abbreviations are binding. But if more than the minimum can be pe'ah, it follows that even the whole field can be pe'ah.
9. And not 'the corner in thy field'. Lev. MIX, 9.
10. I.e., if pe'ah is not given within the fixed period, this injunction is violated.

Folio 7a

[When thou shalt vow a vow unto the Lord thy God, thou shalt not delay to pay it, far the Lord will surely require it] of thee:(1) this refers to gleanings, forgotten sheaves, and pe'ah.(2)

Are abbreviations binding in the case of charity or not? How does this arise? Shall we say, that one said, 'This zuz(3) is for charity, and this one too,' that is a complete [declaration of] charity! — But, e.g., If one said, '[And] this,' omitting 'too'. What then: did he mean, 'and this too is for charity,' or, 'and this is for my personal expenditure,' his statement being incomplete?(4) Do we say, Since this is likened to sacrifices, as it is written' [That which is gone out of thy lips thou shalt keep and perform; even a free-will offering according as thou hast vowed unto the Lord thy God, which thou hast promised] with thy mouth, which refers to charity:(5) hence, just as abbreviations are valid for sacrifices, so with charity; or possibly the comparison is in respect of 'Thou shalt not delay' only?

Are abbreviations valid in respect of hefker or not? But that is charity?(6) — This problem is based on a presupposition:(7) Should you rule, abbreviations are valid in the case of charity, because there is no analogy by halves,(8) [what of] hefker?(9) Do we say: Hefker is charity; or possibly charity differs, charity being for the poor only, whilst hefker is both for the rich and the poor?

Rabina propounded: Are abbreviations effective in respect of a privy or not?(9) How does this arise? Shall we say, that he declared, 'Let this place be for a privy, and this one too,' then obviously it is one? — But e.g., if he declared, 'and this,' omitting 'too'. What then? Does '[and] this' mean 'and this too shall be a privy,' or perhaps, what is meant by 'and this'? In respect of general use? Now, this proves that it is certain to Rabina that designation is valid for a privy. But Rabina propounded: What if one designates a place for a privy' or for baths; is designation effective or not?(10) — Rabina propounded this problem on an assumption. [Thus:] Is designation effective or not, should you answer, Designation is effective, are abbreviations valid or not?(11) This question remains.

I AM BANNED TO YOU,' etc. Abaye said: R. Akiba admits in respect to lashes, that he is not flagellated;(12) for otherwise, let [the Mishnah] state, R. Akiba gave a stringent ruling.(13) R. Papa said: With respect to, 'I am isolated [nedinah] from you,' all agree that he is forbidden; 'I am accursed [meshamatna] from you,' all agree that he is permitted. Wherein do they differ?

1. Deut. XXIII, 22.
2. Whilst he will surely require it refers to sacrifices, supra 4a. Hence they are assimilated to each other, being coupled in the same verse. The Hebrew for of thee is which can be rendered 'of that which is with thee', the reference being to the gleanings etc., which are to be left for those that are 'with dice', i.e., the poor. Ex. XXII, 24.
3. Zuz, a silver coin, one fourth of a shekel.
4. This alternative may apply to the query on pe'ah too: i.e., did he mean, 'and this furrow too', or, 'and this furrow be for my personal use?' V. p. 13, n. 7.

5. This is deduced from the verse: the promise of charity is gone out of my mouth, where a promise by mouth refers to charity.
6. Renunciation of one's property is the equivalent of giving it to charity. Thus the problem has already been stated.
7. Lit., 'he sass, "if you should say".'
8. I.e., it cannot be confined to certain aspects only.
9. A place so appointed may not be used for reciting prayers, even before it was used as a privy.
10. In the sense that this place may not be used henceforth for reciting prayers.
11. In all the foregoing problems on kiddushin, pe'ah, charity etc., the abbreviations, though apparently not clear in meaning, since alternatives are given, are regarded as explicit, since the alternatives are, in every case, of a remote character, and the question then arises whether abbreviations, though explicit enough, are effective in these cases, v. Ran. 6b, s.v. .
12. If he breaks the vow.
13. 'WAS INCLINED' shows that he entertained some doubt, and would therefore not inflict the penalty of lashes.

In the case of, 'I am banned to you,' R. Akiba maintaining that it is the equivalent of 'isolated' [nedinah], whilst the Rabbis hold that it means accursed' [meshamatna]. Now, this conflicts with R. Hisda's view. For a certain man, who declared, 'I am accursed in respect of the property of the son of R. Jeremiah b. Abba' went before R. Hisda. Said he to him, 'None pay regard to this [ruling] of R. Akiba'. [Thus] he holds that they differ in respect to' 'I am accursed' [meshamatna].

R. Elai said in the name of Rab. If [a Rabbi] places a person under a ban in his presence, the ban can be revoked only in his presence; if in his absence, it can be revoked both in his presence and in his absence. R. Hanin said in Rab's name. One who hears his neighbour utter God's name in vain(1) must place him under a ban; otherwise he himself must be under a ban,(2) because the unnecessary utterance of the Divine Name always leads to poverty, and poverty leads to death, as it is written, [And the Lord said unto Moses in Midian, Go, return unto Egypt]. For all the men are dead [which sought thy life];(3) and it was taught: Wherever the Sages cast their eyes [in disapproval] death or poverty has resulted.

R. Abba said: I was standing in the presence of R. Huna, when he heard a woman utter God's name in vain. Thereupon he banned her, but immediately lifted the ban in her presence. This proves three things: [i] He who hears his neighbour utter the Divine Name unnecessarily must excommunicate him; [ii] If [a Rabbi] bans a person in his presence, the ban must be lifted in his presence too. [iii] No time need elapse between the imposition and the lifting of a ban.(4)

R. Giddal said in Rab's name: A scholar may utter a ban against himself, and lift it himself. But is this not obvious? — I would think that a prisoner cannot free himself from prison; hence we are taught otherwise. Now, how can such a thing occur? — As in the case of Mar Zutra the Pious:(5) when a disciple incurred a ban,(6) [Mar Zutra] first excommunicated himself and then the disciple.(7) On arriving home, he lifted the ban from himself and then from the disciple.

R. Giddal also said in Rab's name:

1. Lit., the mentioning of the Name from his neighbour's mouth.
2. [I.e., deserves to be placed under a ban, (Ran).]
3. Ex. IV, 19. It is stated infra 64b that the reference is to Dathan and Abiram, who in fact were alive at Korah's rebellion, but had become poverty-stricken. Four are regarded as dead: a poor man, a leper, a blind person, and one who has no children. They were not blind, for it is written, wilt thou put out the eyes of these men? (Num. XVI, 14). Again, they were not lepers, for we find that they had not been excluded from the congregation: in the midst of all Israel (Deut. XI, 6). Even if they had been childless, they still could have been a source of danger to Moses before Pharaoh. Hence when God assured Moses that the danger was past, He meant that they were now poor and without influence (Ran).
4. Hence, the ban may be merely a nominal punishment. V. J.E. art. Anathema. The term used here is niddui, and though it is stated there (p. 560, 2) that niddui is for

seven days (M.K. 16a, 17b), it is evident from this passage that there was a formal ban too of no particular duration.

5. Heb. hasida, (hasid). In Rabbinic literature the term is a title of respect denoting the type of an ideal Jew; (cf. Ta'an. 8a; Tem. 15b).
6. [Here the term used is shamta, 'desolation', 'curse'. According to Rashi, 'shamta' is a less severe form of ban than 'niddui'; Maimonides, Yad, Talmud Torah, VII, 2, equates them. Nahmanides, Mishpat ha-Herem, considers shamta to be a general term for the more severe form of excommunication, the Herem, and the less severe, the Niddui.
7. This was done to safeguard the honour of his disciple.

Folio 8a

Whence do we know that an oath may be taken to fulfil a precept? From the verse, I have sworn, and I will perform it, that I will keep thy righteous judgments.(1) But is he not under a perpetual oath from Mount Sinai?(2) — But what [R. Giddal] teaches us is that one may stimulate himself.(3) R. Giddal also said in Rab's name: He who says, 'I will rise early to study this chapter or this tractate,' has vowed a great vow to the God of Israel. But he is under a perpetual oath from Mount Sinai, and an oath cannot fall upon another?(4) Then [again] if he informs us that a person may thus stimulate himself, it is identical with R. Giddal's first [statement]? — This is what R. Giddal teaches: The oath is binding, since one can free [i.e., acquit] himself by the reading of the Shema' morning or evening.(5) R. Giddal said in Rab's name: If one says to his neighbour, 'Let us rise early and study this chapter,' it is his [the former's] duty to rise early, as it is written, And he said unto me, arise, go forth into the plain, and there I will talk with thee. Then I arose and went forth into the plain, and behold, the glory of the Lord stood there.(6)

R. Joseph said: If one was placed under a ban in a dream, ten persons are necessary for lifting the ban.(7) They must have studied halachah;(8) I but if they had only learnt [Mishnah],(9) they cannot lift the ban; but if such as have studied halachah are unavailable, then even those who have only learnt Mishnah], but had not studied [halachah] will do. But if even such are unavailable, let him go and sit at the cross-roads, and extend greetings(10) to ten men, until he finds ten men who have studied halachah.(11) Rabina asked R. Ashi: If he knew [in his dream] the person who placed him tinder a ban, can this person lift the ban? — He answered: He might have been appointed [God's] messenger to ban him, but not to revoke it. R. Aha asked R. Ashi: What if one was both banned and readmitted(12) in his dream? — Said he to him: Just as grain is impossible without straw,(13)

1. Ps. CXIX, 106.
2. Every Jew is regarded as having sworn at Sinai to observe God's precepts.
3. By an oath, to do what he is in any case bound to do.
4. I.e., an oath is not valid when referring to that which is already subject to an oath.
5. The passage commencing: Hear O Israel etc. (Deut. VI, 4 seq.). There is a definite obligation to study day and night, which is derived either from Deut. VI, 7 (and thou shalt teach them, etc.) or from Josh. I, 8 (This book of the law shall not depart out of thy mouth). But it is stated in Men. 95b that the obligation is fulfilled by the reading of the Shema' morning and evening.
6. Ezek. III, 22, 23. The Lord, having instructed him to go forth, had preceded him.
7. Dreams were widely held to have a positive significance; indeed, as almost partaking of the nature of prophecy. As we see here, a definite quality of reality was ascribed to them. V. J.E. s.v. 'Dreams'.
8. Heb., hilketha, v. next note.
9. So Rashi and Ran on the basis of our text. Mishnah is the law in broad outline, which characterises the whole of our present Mishnah, as compiled by R. Judah I. Hilketha (halachah) (law, rule) would appear to connote here the Talmudic discussion thereon, i.e., the amoraic development of the Mishnah. For tanu (,)

referring to amoraic teaching instead of Tannaitic. cf. Kaplan, Redaction of the Talmud, pp. 209 seq. Ran, Asheri, and Tosaf, offer another interpretation, based on a slightly different reading: They must have taught law, but not merely learnt it (themselves).

10. Lit., 'give peace' — the usual form of a Jewish greeting.
11. Tosaf.: the greetings of ten men at the cross-roads will remove his grief; but ten scholars are necessary for the removal of the ban.
12. Lit., 'it was loosened for him'.
13. Cf. Jer. XXIII, 28.

so is there no dream without meaningless matter.(1)

Rabina's wife was under a vow; he then came before R. Ashi, asking. Can the husband become an agent for his wife's regret?(2) — He replied: If they [the three scholars] are ready assembled, he can do so: but not otherwise.(3) Three things may be inferred front this incident: [i] A husband can become an agent for his wife's regret. [ii] It is not seemly(4) for a scholar to revoke a vow in his teacher's town.(5) [iii] If they [the necessary scholars] are already assembled, it is well. But a scholar may lift a ban even in the vicinity of his master, and even a single ordained scholar(6) may lift a ban.

R. Simeon b. Zebid said in the name of R. Isaac b. Tabla, in the name of R. Hiyya Areka of the school of R. Aha, in the name of R. Zera in the name of R. Eleazar in the name of R. Hanania in the name of R. Mi'asha on the authority of R. Judah b. Il'ai: What is the meaning of, But unto you that fear my name shall the sun of righteousness arise with healing in its wings?(7) — This refers to those people who fear to utter the Divine name in vain.(8) 'The sin of righteousness with healing in its wings': Said Abaye, This proves that the motes dancing in the sun's rays have healing power. Now, he differs from R. Simeon b. Lakish, who said: There is no Gehinnom(9) in the world to come,(10) but the Holy One, blessed be He, will draw forth the sun from its sheath: the righteous shall be healed, and the wicked shall be judged and punished thereby. As it is written, But unto you that fear my name shall the sun of righteousness arise with healing in its wings.(11) Moreover, they shall be rejuvenated by it, as it is written, And ye shall go forth and grow up as calves of the stall.(12) But the wicked shall be punished thereby, as it is written, Behold, the day cometh that shall burn as an oven, and all the proud, yea, and all that do wickedly, shall be stubble; and the day that cometh shall burn them up, saith the Lord of Hosts, that it shall leave them neither root nor branch.(13)

1. I.e., the ban is not lifted.
2. So as to have the vow cancelled. On regret (haratah). v. infra 21b, a.l.
3. Because having troubled to assemble three scholars, he may be anxious that his trouble should not be unrewarded and so exceed his wife's instructions as to the grounds on which she desired absolution.
4. This is the reading of Ran. Cur. edd. (quoted by Rashi too): a scholar is not permitted.
5. Since Rabina, himself a Rabbi, did not act in the town of R. Ashi, his teacher.
6. Mumhe, v. Glos.
7. Mal. III. 20.
8. The name of God represents the Divine nature and the relation of God to His people. As such it was understood as the equivalent of the Divine Presence, hence the awe with which it was surrounded, cf. Kid. 71a, Sanh. 99a.

9. Gehinnom (Gehenna) as an equivalent of hell, purgatory, takes its name from the place where children were once sacrificed to Moloch, viz., ge ben Hinnom, the valley of the son of Hinnom, to the south of Jerusalem (Josh. XV, 8; 11 Kings XXIII, 10; Jer. VII, 32-32; XIX, 6. 13-14).
10. ['Olam ha-ba. Here, as it is clear from the context, the reference is to the Messianic days.]
11. Thus, unlike Abaye, he applies the verse to the future world.
12. Mal. III, 20.
13. Mal. III, 19.

Folio 9a

MISHNAH. [IF ONE SAYS] 'AS THE VOWS OF THE WICKED, HE HAS VOWED IN RESPECT OF NEZIROTH, A SACRIFICE, AND AN OATH.(1) [IF HE SAYS:] 'AS THE VOWS OF THE RIGHTEOUS,' HIS WORDS ARE OF NO EFFECT. [BUT IF HE SAID,] 'AS THEIR FREEWILL-OFFERINGS,' HE HAS VOWED IN RESPECT OF A NAZIRITE VOW AND A SACRIFICE.(1)

GEMARA. But perhaps he meant thus: 'I do not vow as the vows of the wicked?' — Samuel answered: The Mishnah refers to one who said, 'As the vows of the wicked behold I am,' [or] '[I take] upon myself,' [or] '[I am debarred] from it': [which means,] 'Behold, I am a nazir,' [or] 'I take upon myself [the obligation] to offer a sacrifice,' [or] 'I [am debarred] by an oath [to derive any benefit] therefrom. Behold, I am a nazir': but perhaps he meant, 'Behold, lam to fast'? — Said Samuel: That is if a nazir was passing in front of him.(2) 'I am [debarred] by an oath [to derive any benefit] therefrom.' But perhaps [hemennu] [from or of it] means 'that I am to eat of it'? — Said Raba: It means that he said, '[I am debarred] rom it not to eat it.' If so, why state it?(3) — I would argue, But he has not explicitly taken an oath!(4) Hence we are informed [otherwise].(5)

[IF HE SAYS], 'AS THE VOWS OF THE RIGHTEOUS,' etc. Which Tanna recognises a distinction between a vow and a freewill offering:(6) shall we say, neither R. Meir nor R. Judah? For it was taught: Better it is that thou shouldst not vow, than that thou shouldst vow and not pay.(7) Better than both is not to vow at all: thus said R. Meir. R. Judah said: Better than both is to vow and repay.(8) — You may even say that it is R. Meir:

1. I.e., his vow is valid in respect of these. This will be explained in the Gemara.
2. So he meant, 'such as he'.
3. Since it is obvious.
4. Hence it is not an oath.
5. [The meaning of the Mishnah would be accordingly: If a nazirite is passing by and a man noticing him says. 'Behold, I am as he who makes the vows of the wicked', (meaning the nazirite, who in a sense is regarded as a sinner; v. infra 10a); or if a man with a beast before him says, 'I take upon myself as the vows of the wicked', or, with a loaf of bread before him, says. 'From it as the vows of the wicked', he becomes respectively a nazirite; Is obliged to bring a sacrifice; and is forbidden to eat of the loaf, each utterance being treated as an abbreviation of a vow (Ran).]
6. In making a vow to offer a sacrifice, one says, 'Behold, I will bring a sacrifice'; since he may forget to do so, it is considered wrong to make a vow. But a freewill donation is declared thus: 'Behold, this animal is for a sacrifice'. Since the animal has already been put aside for the purpose, there is no fear of forgetfulness.
7. Eccl. V, 4.
8. Thus neither draw a distinction between a vow and a freewill-offering.

Nedarim 9b

R. Meir spoke only of a vow, but not of a freewill-offering. But the Mishnah states: AS THEIR FREEWILL-OFFERINGS, HE HAS VOWED IN RESPECT OF NAZIR AND A SACRIFICE?(1) — Learn: HE HAS made a freewill-offering IN RESPECT OF NAZIR AND A SACRIFICE. Now, wherein does a vower differ, that he is not [approved]: because he may thereby come to a stumbling-block?(2) But a freewill-offering too can become a stumbling-block?(3) — [He does as] Hillel the Elder.(4) For it was taught: It was said of Hillel the Elder that no man ever trespassed through his burnt-offering;(5) he would bring it as hullin(6) to the Temple court, then sanctify it, and put his hand upon it(7) and slaughter it. That is well in respect of a freewill-offering of sacrifices; but what can be said of a freewill-offering of neziroth?(8) — It is as Simeon the Just.(9) For it was taught: Simeon the Just said: Only once in my life have I eaten of the trespass-offering brought by a defiled tear. On one occasion a nazir came from the South country, and I saw that he had beautiful eyes, was of handsome appearance, and with thick locks of hair symmetrically arranged. Said I to him: 'My son, what [reason] didst thou see to destroy this beautiful hair of thine?'(10) He replied: 'I was a shepherd for my father in my town. [Once] I went to draw water from a well, gazed upon my reflection in the water, whereupon my evil desires rushed upon me and sought to drive me from the world [through sin]. But I said unto it [my lust]: "Wretch! why dost thou vaunt thyself in a world that is not thine, with one who is destined to become worms and dust?(11) I swear(12) that I will shave thee off [his beautiful hair] for the sake of Heaven."' I immediately arose and kissed his head, saying: 'My son, may there be many nazirites such as thou in Israel! Of thee saith the Holy Writ, When either a man or a woman shall separate themselves to vow a vow of a nazirite, to separate themselves unto the Lord.(13)

R. Mani demurred: Wherein does the trespass-offering of an unclean nazirite differ, that he did not eat [thereof]: because it comes on account of sin? Then he should not have partaken [of] all trespass-offerings, since they come on account of sin? Said R. Jonah to him, This is the reason: When they regret [their evil deeds], they become nazirites, but when they become defiled, and the period of neziroth is lengthened,(14) they regret their vow, and thus hullin is brought to the Temple court.(15) If so, it is the same even with an undefiled nazir too?(16) — A clean nazir is not so, for he [previ ously] estimates his will-power, [and decides] that he can vow.

Alternatively:

1. Rashi: this implies that it is stated as a vow. Asheri: the use of both terms together, FREEWILL-OFFERINGS and HE HAS VOWED proves that the Tanna of our Mishnah recognises no difference between them.
2. By forgetting to fulfil his vow.
3. Because when an animal has been dedicated, it may not be put to any use; in a momentary forgetfulness, however, one may use it.
4. 'Elder' (Heb. zaken) does not necessarily refer to age, but was a title of scholarship; cf. Kid. 32b; Yoma 28b; J.M.K. III, beginning of 81c.
5. By putting it to secular use after dedication.

6. Non-holy, v. Glos.
7. Lev. I, 4: And he shall put his hand upon the lead of the burnt-offering.
8. Since the possibility of violating one of the laws of neziroth constitutes a stumblingblock.
9. So the text as emended by Ran. — One who takes the vow of a nazirite in such circumstances as those related by Simeon the Just need not fear a stumbling-block. Scholars differ whether he is identical with Simeon I (310-291 or 300-270 B.C.E.) or Simeon II (219-199 B.C.E.). v. Ab. (Sonc. ed.) p. 2, n. 1.
10. V. Num. VI, 18.
11. Meaning himself. In thus apostrophising his lust he did not ascribe any persona], independent identity to it, as is evident from the context.
12. Lit., 'by the service' (of the Temple).
13. Num. VI, 2. A nazirite vow made for such reasons may be regarded as the vow of the righteous. Simeon the Just's refusal to partake of these sacrifices must be regarded as a protest against the growing ascetic practice of taking vows to be a nazirite, — usually a sign of unhappy times; Weiss, Dor, I, 85, v. Nazir (Sonc. ed.) p. 13.
14. Since they must recommence their neziroth; v' Num. VI, 12.
15. Actually, of course, the animal would be consecrated; but it is as though it were hullin, since their neziroth, on account of which the sacrifice is brought, was not whole-hearted.
16. He may regret the vow before the expiration of his term.

Folio 10a

You may even say that it [the Mishnah] agrees with R. Judah, for R. Judah said this(1) only of a freewill-offering, but not of a vow. But he teaches: Better than both is to vow and repay? — Learn: To make a freewill-offering and repay. Now, why is a vow objectional: because one may come thereby to a stumbling-block.(2) [Does not] the same apply to a free-will offering whereby too he may come to a stumbling-block? — R. Judah conforms to his other view, viz., that a person may bring his lamb to the Temple-court, consecrate and lay [hands] upon it, and slaughter it.(3) This answer suffices for a freewill-offering of a sacrifice; but what can be said of a free-will offering of neziroth? — R. Judah follows his view [there too]. For it was taught: R. Judah said: The early hasidim(4) were eager to bring a sin-offering, because the Holy One, blessed be He, never caused them to stumble. What did they do? They arose and made a free-will vow of neziroth to the Omnipresent, so as to be liable to a sin-offering to the Omnipresent.(5) R. Simeon said: They did not vow neziroth. But he who wished to bring a burnt-offering donated it freely, and brought it; if a peace-offering, he donated it freely and brought it; or if a thanks-offering and the four kinds of loaves,(6) donated it freely and brought it. But they did not take neziroth upon themselves, so as not to be designated sinners, as it is written, And [the priest] shall make atonement for him, for that he sinned against a soul.(7)

Abaye said: Simeon the Just, R. Simeon, and R. Eleazar hakappar, are all of the same opinion, viz., that a nazir is a sinner. Simeon the Just and R. Simeon, as we have stated. R. Eleazar ha-Kappar Berabbi,(8) as it was taught: And he shall make atonement for him, for that he sinned against a soul. Against which 'soul' then has he sinned? But it is because he afflicted himself through abstention from wine. Now, does not this afford an argument from the minor to the major? If one, who afflicted himself only in respect of wine, is called a sinner: how much more so one who ascetically refrains from everything. Hence, one who fasts is called a sinner. But this verse refers to an unclean nazir?(9) — That is because he doubly sinned.(10)

MISHNAH. ONE WHO SAYS, 'KONAM,' 'KONAH,' OR 'KONAS,'(11) THESE ARE THE SUBSTITUTES FOR KORBAN.(12) 'HEREK,' 'HEREK,' [OR] 'HEREF,' THESE ARE SUBSTITUTES FOR HEREM.(13) 'NAZIK,' 'NAZIAH,' 'PAZIAH,' THESE ARE SUBSTITUTES FOR NEZIROTH;(14) 'SHEBUTHAH,' 'SHEKUKAH,' OR ONE WHO VOWS BY MOHI,(15) THESE ARE SUBSTITUTES FOR SHEBU'AH.(16)

GEMARA. It was stated: Substitutes: R. Johanan said: They are foreign equivalents [of the Hebrew]; R. Simeon b. Lakish said: They are forms devised by the Sages for the purpose of making vows; (and thus it is written, in the month which he had devised of his own heart).(17) And why did the Rabbis institute substitutes? — That one should not say korban. Then let him say, korban? — Lest he say korban la-adonai [a sacrifice to the Lord]. And why not say korban la-adonai? — Lest one say la-adonai without korban, and thus utter the Divine Name in vain.(18) And it was taught: R. Simeon said:

1. That it is better to vow and repay.
2. V. p. 21, nn. 1 & 6.
3. It cannot become a stumbling-block, because it is hullin practically until it is killed.

4. Hasid, PI. hasidim; lit., 'pious ones'. The hasidim referred to here are definitely not the Essenes (Weiss, Dor, I, P' 110). [Buchler, Types. p. 78, makes these early hasidim contemporaries of Shammai and Hillel.]
5. V. Num. VI, 14.
6. A thanks-offering was accompanied by forty loaves of bread, divided into four different kinds.
7. Num. VI, 11.
8. [Or, Berebi, designation by which Bar Kappara is known to distinguish him from his father who bore the same name, v. Nazir, (Sonc. ed.) p. 64, n. 1.]
9. How then can one deduce that a nazir in general is a sinner?
10. The verse shews that a double sin is referred to, because 'for that he sinned' alone would have sufficed; 'against a soul' is superfluous, and teaches that he is a sinner in two respects: (i) by becoming a nazir at all; (ii) by defiling his neziroth (Ran). — The whole passage shows the Jewish opposition to asceticism, for Judaism rejects the doctrine of the wickedness of this life and the inherent corruption of the body, which is the basis of asceticism. Whilst the community as a whole fasted in times of trouble (cf. Esth. IV, 16; Ta'an. 10a, 15a), and certain Rabbis too were addicted to it (e.g. R. Ze'ira, B.M. 85a), yet individual fasting was discouraged, as here; v. Maim. Yad, De'oth, III, 1; VI, 1; Lazarus, Ethics of Judaism, ¤¤ 246-256.
11. [Its derivation is probably from kenum, 'self', 'person', and then the object in an elliptical sentence, 'I pledge (myself) my person with So-and-so (that I will not do this or that)', v. Cooke, North Semitic Inscriptions, p. 34. This is a substitute for korban vow, in which he declares 'this may be forbidden to me as is a sacrifice'. No satisfactory explanation has been given so far for the other terms, which seem to be corruptions of konam.]
12. Heb. for sacrifice.
13. Ban.
14. The vow of a nazir: 'Behold, I will be a nazir'. These words may be substituted for nazir.
15. This is explained in the Gemara. [The Mishnayoth text reads 'BY MOTHA', an abbreviation of Momatha, the Aramaic equivalent of Shebu'ah.]
16. Heb. for oath.
17. I Kings XII, 33, referring to the unauthorised festival instituted by Jeroboam in the eighth instead of the seventh month. [The Heb. for 'devised', , is the same as used by R. Johanan in his definition. The bracketed words appear to be a copyist's gloss that has crept into the text. They do not occur in MS.M.]
18. This machinery for vows, regulating the manner in which they were to be made, points to the practice as being very prevalent. V. Weiss, Dor, I, 85.

Nedarim 10b

Whence do we know that one must not say, 'Unto the Lord a burnt-offering,' 'unto the Lord a meal-offering,' 'unto the Lord a thanks-offering,' or 'unto the Lord a peace-offering'?(1) Because it is written, [If any man of you bring] an offering to the Lord.(2) And from the minor we may deduce the major: If concerning one who intended uttering the Divine Name only in connection with a sacrifice, the Torah taught, an offering to the Lord;(3) how much more [care must one take against its deliberate utterance] in vain!

Shall we say that this [conflict] is dependent on Tannaim? For it was taught: Beth Shammai maintain: Substitutes of substitutes are binding; whilst Beth Hillel Say: They are not.(4) Surely, the ruling that secondary substitutes are valid is based on the view that substitutes are foreign equivalents;(5) whilst he who says that they are invalid holds that they are forms devised by the Sages?(6) — No. All agree that substitutes are foreign words; but Beth Shammai hold that Gentiles speak in these [terms] too,(7) whilst Beth Hillel hold that they do not speak in these [terms]. Alternatively Beth Shammai hold: Secondary substitutes [are declared valid] as a precautionary measure on account of substitutes themselves;(8) but Beth Hillel maintain: We do not enact a precautionary measure for secondary substitutes on account of the substitutes themselves.

What forms do double modifications of vows take? — R. Joseph recited: Mekanamana, mekanehana, mekanesana. What are the secondary substitutes of herem? — Mafash'ah taught: harakim, harakim, harafim. Secondary substitutes of neziroth? — R. Joseph learnt: mehazakana, menazahana, mephana.(9) The scholars inquired: What of mipahazna, mithhazana, mith'azana?(10) Rabina asked R. Ashi: What of kinema: does it mean konam,(11) or perhaps, kinemon besem [sweet cinnamon]?(12) R. Aha, the son of R. Hiyya, asked R. Ashi: What of kinah: does it mean a fowl's sty,(13) or konam? These remain questions.(14)

What are secondary substitutes of oaths? — Shebuel, shebuthiel, shekukeel. But shebuel may simply mean Shebhuel the son of Gershon? But say thus: Shebubiel, shebuthiel shekukeel.(15) Samuel said: If one says ashbithah, he says nothing: ashkikah, he says nothing; karinsha, he says nothing.(16)

OR ONE WHO VOWS BY MOHI, THESE ARE SUBSTITUTES [FOR SHEBU'A]. It was taught: R. Simeon b. Gamaliel said: One who says 'by Mohi' [Moses](17) says nothing; 'by Momtha which Mohi said,'(18) these are substitutes for an oath.

MISHNAH. IF ONE SAYS [TO HIS NEIGHBOUR], 'THAT WHICH I MIGHT EAT OF YOURS BE NOT(19) HULLIN,'(20) 'BE NOT KASHER,'(21) 'BE NOT PURE,' 'BE CLEAN OR UNCLEAN,'(22) 'BE NOTHAR,'(23) OR PIGGUL,(24) HE IS FORBIDDEN.(25) AS THE LAMB,'(26) AS THE TEMPLE SHEDS OF CATTLE OR WOOD,'(27) 'AS THE WOOD' [ON THE ALTAR], AS THE FIRE [ON THE ALTAR],'(28) 'AS THE ALTAR,' 'AS THE TEMPLE, AS JERUSALEM;' [OR] IF ONE VOWED BY REFERENCE TO THE ALTAR UTENSILS,(29) THOUGH HE DID NOT MENTION KORBAN, IT IS AS THOUGH HE HAD VOWED BY KORBAN.(30) R. JUDAH SAID: HE WHO SAYS JERUSALEM(31) HAS SAID NOTHING.

1. In this order, the Divine Name preceding.
2. Lev. I, 1; thus the offering must precede.

3. But not the reverse, lest one utter the Name in vain.
4. Lit., 'they are permitted'.
5. Hence, the first modifications are correct foreign words, the substitutes thereof are corrupt, but also used, and hence valid for oaths.
6. Hence secondary substitutes, not having been assigned by the Sages to that purpose, are invalid.
7. Sc. secondary substitutes; hence they are valid.
8. Which would otherwise be treated as invalid by the masses.
9. [Read Menazakna … mepazahna, each of which consists ofthe three consonantal letters of the substitutes with prefix and suffix; v. Strashun].
10. [Strashun reads: Mepahazna, menahazna, menakazna, the last consonantal letters of the substitutes being transposed. This receives support from MS.M.]. Are they binding or not?
11. Hence it is valid.
12. Ex. XXX, 23; i.e., it is not a vow-form at all.
13. I.e., the fem. of (kin), a bird's nest.
14. In all these doubtful forms the question arises when they were actually used to express vows, the question being whether they imply vows or something else — notwithstanding the intention of their user.
15. 'What is the law' in cur. edd. is to be deleted; BaH.
16. These forms are ineffective for expressing oaths.
17. ['By Moses', was one of the common forms of asseveration, cf. Bez. 38b; Shab. 101b. V. Chajes, Notes.]
18. By the oath which Moses uttered. [The allusion is to Ex. II, 21, where is rendered, 'Moses swore'. (Ran).]
19. The Hebrew is la-hullin, here regarded as meaning: not hullin. V. also p. 28, n. 8.
20. V. Glos.
21. Lit., 'fit', ritually permitted for consumption.
22. So cur. edd. Asheri explains: be as sacrifices, to which the laws of cleanliness and uncleanness apply — i.e., forbidden. Rashi's text reads simply: be not clean, be unclean, etc.
23. Lit., 'left over'. The flesh of an offering which remains over after the period in which it must be eaten, v. Ex. XXIX, 34, and Lev., VII, 17.
24. Lit., 'abomination'. The flesh of an animal sacrificed with the deliberate intention of eating it after the permitted period; it is then forbidden even within the period, v. Lev. VII, 18.
25. To eat aught of his neighbour.

26. I.e., the lamb of the daily sacrifice.
27. The alternative is implied by the use of the plural in the Mishnah (Tosaf.).
28. [So T.J. Others: Fire-offerings, cf. Lev. XXI. 6. (V. Asheri and Tosaf.)]
29. I.e., your food be as the altar utensils unto me, hence, forbidden.
30. V. Mishnah 20a.
31. Without as i.e., 'Your food be Jerusalem to me'.

Folio 11a

GEMARA. The scholars presumed. What does la-hullin mean: Let it not be as hullin, [implying] but as a sacrifice. Who is the authority of our Mishnah? If R. Meir: but he does not hold that the positive may be inferred from the negative?(1) For we learnt, R. Meir said: Every stipulation which is not like the stipulation of the children of Gad and Reuben is invalid.(2) Hence it must be R. Judah.(3) Then consider the conclusion: R. JUDAH SAID: HE WHO SAYS JERUSALEM HAS SAID NOTHING. Now, since the conclusion is R. Judah, the former clause is not R. Judah?(4) — The whole Mishnah gives R. Judah's ruling, but this is what is stated: for R. JUDAH SAID: HE WHO SAYS JERUSALEM HAS SAID NOTHING.(5)

But if one says, 'as Jerusalem,' is he forbidden according to R. Judah? But it was taught: R. Judah said: He who says, 'as Jerusalem,' has said nothing, unless he vows by what is sacrificed in Jerusalem! — It is all R. Judah, and two Tannaim, conflict as to his views.(6)

1. To render it legally binding. Thus, if one says, 'Iet it not be as hullin', we may not infer that he meant, 'but let it be as a korban', and so declare it forbidden.
2. Num. XXXII, 20-23; 29-30, q.v. We see there that Moses stipulated what was to happen in each case, and did not rely on one clause only, from which the reverse might be deduced, v. Kid. 61a.
3. That the positive is inferred from the negative, and is then legally binding.
4. Since it is specifically pointed out that the second clause is R. Judah.
5. For that reason 'as' is specified in all the previous expressions.
6. The Tanna of the Mishnah holding R. Judah's view to be that 'as Jerusalem' is a binding form, and the Tanna of the Baraitha that it is not.

Nedarim 11b

It was taught: [If one says,] 'That which I might eat of yours,' or 'that which I might not eat of yours, be hullin,' or, 'be the hullin,' or, 'be as hullin,' he is permitted.(1) [If he says,] 'That which I might eat of yours be not hullin,' he is forbidden;(2) 'that which I might not eat of yours be not hullin,' he is permitted. Now with whom does the first clause agree? With R. Meir, viz., who does not hold that the positive may be inferred from the negative.(3) Then consider the latter clause: 'That which I might not eat of yours be not hullin,' he is permitted. But we learnt: [If one says,] 'That which I might not eat of yours be not for korban': R. Meir forbids [him]. Now we raised the difficulty: but he does not rule that the positive may be inferred from the negative?(4) And R. Abba replied: It is as though he said, 'Let it [i.e., your food] be for the korban, therefore I will not eat of yours.'(5) Then here too' perhaps, he meant, 'Let it not be hullin; therefore I may not eat of yours'? — This Tanna agrees with R. Meir on one point, but disagrees with him on another. He agrees with him on one point. that the positive may not be inferred from the negative; but disagrees with him on another, [viz.,] on [the interpretation of] la-korban. R. Ashi said: In the one case he said le-hullin;(6) in the other(7) he said, 'la-hullin', which might mean, 'let it not be hullin,(8) but as a korban'.

BE CLEAN OR UNCLEAN,' 'AS NOTHAR,' 'AS PIGGUL, HE IS FORBIDDEN. Rami b. Hama asked: What if one said: 'This be unto me as the flesh of a peace-offering after the sprinkling of the blood'? But if he vowed thus, he related [his vow] to what is permissible!(9) — But (the question arises thus]: E.g., if there lay flesh of a peace-offering before him and permitted food lay beside it' and he said, 'This be like this'. What then: did he relate it to its original state,(10) or to its present [permitted] condition? — Raba answered: Come and hear: [We learnt:] IF ONE SAYS … AS NOTHAR, [OR] AS PIGGUL, [HE IS FORBIDDEN].

1. To eat or benefit from his neighbour.
2. Rashi. Ran is inclined to delete the clause, since, as the Talmud shews, this Baraitha is taught according to R. Meir, who holds that the positive may not be inferred from the negative.
3. Hence, when he Says, 'That which I might not eat of yours be hullin', we may not infer that that which he might eat should not be hullin, and so prohibited.
4. The hypothesis being that he is forbidden on account of this inference.
5. The Hebrew form is la-korban: in popular speech la 'to the' may be a hurried utterance of la' 'not'; therefore on the first assumption what he said was: 'shall not be a korban'; in the answer the preposition is given its normal meaning, viz., shall be for the korban.
6. Meaning as (or, for) hullin. [This can by no means he taken to denote 'not', and since R. Meir does not infer the positive from the negative, he does not consider it a vow.]
7. The case interpreted by R. Abba.
8. [So Ran. curr. edd. la-hullin, 'not hullin'].
9. His words imply no prohibition.

10. Before the sprinkling of the blood, when it was forbidden.

Folio 12a

Now, nothar and piggul(1) are [possible only] after the sprinkling of the blood! — 2 R. Huna the son of R. Nathan said to him, This refers to nothar of a burnt-offering.(3) Said he to him, If so, let him [the Tanna] teach: As the flesh of the burnt-offering?(4) — He proceeds to a climax.(5) [Thus:] It is unnecessary [to teach that if one relates his vow to] the flesh of a burnt-offering, that he is forbidden, since he referred it to a sacrifice. But it is necessary for him [to teach the case of] nothar and piggul of a burnt-offering. For I would think that he referred it to the prohibitions of nothar and piggul, so that it counts as a reference to what is inherently forbidden, and he is not prohibited;(6) hence he informs us [otherwise].

An objection is raised: Which is the bond mentioned in the Torah?(7) If one says, 'Behold! I am not to eat meat or drink wine, as on the day that my father or teacher died,' [or] 'as on the day when Gedaliah the son of Ahikam was slain,'(8) [or] 'as on the day that I saw Jerusalem in ruins.' Now Samuel commented thereon: Providing that he was under a vow in respect to that very day.(9) What does this mean? Surely that e.g., he stood thus on a Sunday, on which day his father had died, and though there were many permitted Sundays, it is taught that he is forbidden; this proves that the original [Sunday] is referred to.(10) — Samuel's dictum was thus stated: Samuel said, Providing that he was under a vow uninterruptedly since that day.(11)

Rabina said, Come and hear: [If one says, 'This be unto me] as Aaron's dough(12) or as his terumah', he is permitted.(13) Hence, [if he vowed,] 'as the terumah of the loaves of the thanksgiving-offering,'(14) he would be forbidden.(15)

1. Some delete piggul, since at no time was it permitted. If retained in the text, it is so because nothar and piggul are generally coupled; but Raba's deductions are from nothar only.
2. The proof is this. A sacrifice is forbidden because at some time it was consecrated by a vow. With the sprinkling of its blood it loses its forbidden character until it becomes nothar, when it resumes it. But a direct reference to nothar itself is inadmissible in a vow, because nothar is Divinely forbidden, and not the result of a vow (v. text, and p. 30, n. 2). Hence the reference must have been to the condition of the flesh before the sprinkling of the blood.
3. The flesh of which is not permitted even after the sprinkling of the blood: hence it proves nothing.
4. Without reference to nothar at all.
5. Lit., he states, 'it is unnecessary'.
6. When a man imposes a prohibition by referring one thing to another, the latter must be also artificially forbidden, e.g., a sacrifice, which was originally permitted, and then forbidden through consecration. But if it is Divinely forbidden, without the agency of man, the vow is invalid. Thus, if one says, 'This be to me as the flesh of the swine', it is not forbidden. Now, the prohibition of piggul and nothar are Divine: therefore, If the reference was in point of that particular prohibition, the vow would be invalid.

7. Num. XXX, 3: If a man vow a vow unto the Lord, or swear an oath to bind his soul with a bond, he shall not break his word.
8. After the destruction of the first Temple by Nebuchadnezzar in 586 B.C.E. and the deportation of the nobles and the upper classes to Babylon, Gedaliah the son of Ahikam was appointed governor of the small community that was left. As a result of a conspiracy he was slain on the second day of Tishri. Jer. XL-XLI.
9. The assumed meaning is: he had vowed on the day of his father's death, or had once vowed not to eat meat on the day that Gedaliah the son of Ahikam was slain, and now he vowed a second time, 'I am not to eat meat, etc. as on the day when I am forbidden by my previous vow, thus the second vow was related to an interdict which was itself the result of a vow (Ran.).
10. I.e., the first Sunday distinguished by his former vow.
11. I.e., he had been under a vow every Sunday until this present vow. Hence nothing can be proved. v. Shebu. (Sonc. ed.) p. 105.
12. Num. XV, 20-21. Ye shall offer up a cake of the first of your dough for an heave offering. This, and terumah (v. Glos.) belonged to Aaron, i.e., the priest, and was prohibited to a star (I.e., a non-priest).
13. To benefit therefrom. The vow is invalid, because the dough and the terumah, not being prohibited to all, are regarded as Divinely forbidden: v. p. 30, n. 2.
14. V. Lev. VII, 22ff. Of the forty loaves brought (p. 32, n. 1) one out of each set of ten was terumah, and belonged to the priest.
15. Because the prohibition of those is evidently due to a vow.

Nedarim 12b

But the terumah of the thanksgiving loaves is [forbidden] only after the sprinkling of the blood!(1) — [No.] Infer thus: [If he vows,] 'as the terumah of the shekel-chamber,'(2) he is forbidden. But what if [he said,] 'as the terumah of the thanksgiving loaves,' he is permitted? Then let him [the Tanna] state the terumah of the thanksgiving loaves, then how much more so 'his terumah'!(3) — He teaches us this: The terumah of the thanksgiving loaves is 'his terumah'.(4) Alternatively, the terumah of the thanksgiving loaves may also mean before the sprinkling of the blood,(5) e.g., if it was separated during the kneading [of the dough].(6) Even as R. Tobi b. Kisna said in Samuel's name: If the thanksgiving loaves are baked as four loaves [instead of forty], it suffices. But does not the Writ state forty?(7) — As a meritorious deed. But terumah has to be taken therefrom?(8) And should you answer that one loaf is taken for all, — but we learnt: [And of it he shall offer] one out of each oblation:(9) 'one' teaches that terumah is not to be taken from one oblation for another?(10) And should you say that a piece is taken from each, — but we learnt: 'One' teaches that a piece is not to be taken? But it must be that he separates it during kneading, taking one [part] of the leaven, one of the unleavened cakes, one of the unleavened wafer, and one of the fried cake;(11) [so here too].

Shall we say that this is dependent on Tannaim? [For it was taught: If one says,] 'This be unto me as a firstling,'(12) R. Jacob forbids it, while R. Jose permits it. Now, how is this meant? If we say, before the sprinkling of the blood:(13) what is the reason of him who permits it? If after, on what grounds does the other forbid it? But it surely [means]

1. This itself is disputed. The view of R. Eliezer b. Simon is adopted here. Since, by deduction, this vow is binding, we evidently regard the reference as being to the present state.
2. This refers to a special fund kept in the Temple for various purposes. mainly congregational sacrifices; Shek. III, 2: IV, 1. — This is the deduction to be made, not the previous one.
3. If a vow referring to the terumah of the loaves of a thanks-offering is invalid, though in their origin their own prohibition is due to a vow, how much more will a vow referring to other terumah, which is Divinely forbidden, be valid. Also, it is a general rule that there is a preference for teaching the less likely, so that the more likely may be deduced therefrom a minori.
4. I.e., the word 'terumah' embraces all forms of terumah.
5. It is even then forbidden to a star, v. Glos.
6. Although the loaves become sanctified only by the sprinkling of the blood, according to our premise, yet if the terumah was separated in the dough, it is consecrated.
7. Not actually. But since the Writ speaks of four species, and terumah (I.e., one in ten) was to be given from each, it follows that forty had to be made.
8. One from each ten.
9. Lev. VII, 14.

10. Each kind of loaf is here referred to as an oblation.

11. V. Lev. VII, 12.

12. v. Num. XVIII, 15.

13. Of the firstling, when it is definitely forbidden.

that flesh of a firstling lay before him, and this other flesh lay at its side, and he declared, 'this be as this,' and [thus] it is a controversy of Tannaim?(1) — No. All treat of before the sprinkling of the blood; and what is the reason of him who permits it? The Writ States, If a man vow,(2) [teaching] that one must vow by that which is [itself] forbidden through a vow; thus excluding a firstling, which is an interdicted thing. And he who forbids it?(3) — The Writ states, 'unto the Lord,'(2) to include an interdicted thing.(4) Then he who permits it, how does he interpret 'unto the Lord'? — He employs it in respect of relating [a vow] to a sin-offering or a guilt-offering.(5) Now, what [reason] do you see to include a sin-offering and a guilt-offering and exclude the firstling? — I include the sin-offering and the guilt-offering which one sanctifies(6) by a vow,(7) but exclude the firstling, which is holy from its mother's womb. But he who forbids?(8) A firstling too one sanctifies by a vow. For it was taught: It was said on the authority of Rabbi, Whence do we know that one is bidden to consecrate the firstling born in one's house? — From the verse, [All] the firstling males [that come of thy herd and thy flock] thou shalt sanctify [unto the Lord].(9) But he who permits it [argues thus]: If he does not consecrate it, is it not holy?(10)

… AS THE LAMB, AS THE TEMPLE SHEDS etc. It was taught: A lamb, for a lamb, as a lamb; [or] sheds, for sheds, as sheds; [or] wood, for wood, as wood; [or] fire, for fire, as fire; [or] the altar, for the altar, as the altar; [or] the temple, for the temple, as the temple; or Jerusalem, for Jerusalem, as Jerusalem, — in all these cases, [if he says,] 'what I might eat of yours,' he is forbidden; 'what I might not eat of yours,' he is permitted.

Now which Tanna do we know draws no distinction between a lamb, for a lamb and as a lamb? — R. Meir.(11) Then consider the second clause: and in all these cases, [if he says], 'that which I might not eat of yours [be so],' he is permitted. But we learnt: [If one says to his neighbour,] 'That which I might not eat of yours be not for korban, R. Meir forbids [him]. Now R. Abba commented thereon: It is as though he said, 'Let it [i.e., your food] be for korban, therefore I may not eat of yours'? — This is no difficulty: in the one case he said, 'lo le-imra';(12) in the other he said, 'le-imra'.(13)

MISHNAH. IF ONE SAYS [TO HIS NEIGHBOUR], 'THAT WHICH I MIGHT EAT OF YOURS BE KORBAN', [OR]' A BURNT-OFFERING',(14) [OR] 'A MEAL-OFFERING', [OR]' A SIN-OFFERING [OR] 'A THANKSGIVING-OFFERING', [OR]' A PEACE-OFFERING, — HE IS FORBIDDEN.(15) R. JUDAH PERMITTED [HIM].(16) [IF HE SAYS,] 'THE KORBAN,' [OR] 'AS A KORBAN,' [OR]' KORBAN,(17) BE THAT WHICH I MIGHT EAT OF YOURS,' HE IS FORBIDDEN.(18) IF HE SAYS: THAT WHICH I MIGHT NOT EAT OF YOURS BE FOR A KORBAN,'(19) R. MEIR FORBIDS [HIM].

GEMARA. Now, the Mishnah teaches, [IF HE SAYS.] 'THE KORBAN,' [OR] 'AS KORBAN,' [OR] 'A KORBAN BE THAT WHICH I MIGHT EAT OF YOURS,' HE IS FORBIDDEN. Thus, it is anonymously taught as R. Meir, who recognises no distinction between 'it sheep' and 'for a sheep'.(20) But if so, then as to what he [the Tanna] teaches: 'THE KORBAN … [BE] THAT WHICH I MIGHT EAT OF YOURS,' HE IS FORBIDDEN. But it was taught: The Sages concede to R. Judah that if one says, 'Oh, korban,' or 'Oh, burnt-offering,' 'Oh, meal-offering,' 'Oh, sin-offering, what I will eat this of thine,' he is permitted, because he merely vowed by the life of the korban!(21) —

1. Whether the reference is to its present (permitted) state or to its original (forbidden) condition.
2. Num. XXX, 3.
3. What is his reason?
4. This will not apply to all Divinely forbidden things, but only to such as the firstling, as the Talmud proceeds to explain.
5. That the vow is valid.
6. Lit., 'seizes'.
7. Though one cannot offer these as vows, without having incurred the obligation, the actual animal is forbidden as a result of the vow of consecration, since another could equally well have been sacrificed.
8. How will he meet this argument?
9. Deut. XV, 19. Thus, though Divinely consecrated, yet its owner must formally declare it holy, and hence it may be regarded as subject to a vow.
10. Of course it is! Hence its interdict is not the result of a vow.
11. Since R. Judah rules that if one says Jerusalem, without 'for' or 'as', the vow is invalid.
12. 'Let it not be for the lamb' — hence it is permitted. [So cur. edd. MS.M. and Ran read: In one case he said la'-imra; 'let it not be the lamb'. V. supra. p. 28, n. 8.]
13. 'Let it be for the lamb' — there he is forbidden.
14. [The two may also be taken together and thus rendered 'a sacrifice of a burnt-offering'.]
15. To eat aright of his neighbour's.
16. Because he did not say, 'as a sacrifice', etc.
17. In this last case korban is used as an oath: I swear by the sacrifice to eat naught of thine.
18. Vowing by means of korban formula was a specifically Jewish practice: v. Josephus, Contra Apionem, 1, ¤¤ 22, Halevy, Doroth I, 3, pp. 314 f.
19. In the Gemara these words are subsequently otherwise interpreted, but in the promise they are thus translated.
20. V. supra p. 33, n. 6.
21. That he would eat. Then why not assume the same in our Mishnah?

This is no difficulty: Here he said ha korban,'(1) there he said ha-korban.(2) What is the reason?(3) He meant, '[I swear] by the life of the sacrifice.'(4) He [the Tanna] teaches: THAT WHICH I MIGHT NOT EAT OF YOURS BE NOT FOR KORBAN, R. MEIR FORBIDS HIM. But R. Meir does not rule that the positive may be inferred from the negative?(5) R. Abba answered: it is as though he said: 'Let it be for korban, therefore I will not eat of yours'.(6)

MISHNAH. IF ONE SAYS TO HIS NEIGHBOUR, 'KONAM BE MY MOUTH SPEAKING WITH YOU,' [OR] 'MY HANDS WORKING FOR YOU,' [OR] 'MY FEET WALKING WITH YOU,' HE IS FORBIDDEN.(7)

GEMARA. But a contradiction is shown: There is greater stringency in oaths than in vows, and greater stringency in vows than in oaths. There is greater stringency in vows, for vows apply to obligatory as to optional matters,(8) which is not so in the case of oaths.(9) And there is greater stringency in oaths, for oaths are valid with respect to things both abstract and concrete, but vows are not so?(10) — Said Rab Judah: It means that he says,(11) 'let my mouth be forbidden in respect of my speech,' or 'my hands in respect of their work', or 'my feet in respect of their walking'.(12) This may be inferred too, for he [the Tanna] teaches: 'MY MOUTH SPEAKING WITH YOU,' not, ['konam] if I speak with you'.(13)

CHAPTER II

MISHNAH. NOW THESE ARE PERMITTED:(14) [HE WHO SAYS,] WHAT I MIGHT EAT OF YOURS BE HULLIN,' 'AS THE FLESH OF THE SWINE, AS THE OBJECT OF IDOLATROUS WORSHIP,'(15) AS PERFORATED HIDES,'(16) 'AS NEBELOTH AND TEREFOTH',(17) AS ABOMINATIONS AND REPTILES, AS AARON'S DOUGH OR HIS TERUMAH',(18) — [IN ALL THESE CASES] HE IS PERMITTED. IF ONE SAYS TO HIS WIFE, 'BEHOLD! THOU ART UNTO ME AS MY MOTHER,'(19) HE MUST BE GIVEN AN OPENING ON OTHER GROUNDS,(20) IN ORDER THAT HE SHOULD NOT ACT FRIVOLOUSLY IN SUCH MATTERS.(21)

GEMARA. Now, the reason is because he said, 'WHAT I MIGHT EAT OF YOURS BE HULLIN'; but if he said, 'What I might eat of yours be lehullin,' it would imply: let it not be hullin but a korban.(22) Whose view is taught in our Mishnah? If R. Meir's, but he does not hold

1. The ha being a separate word, and thus an interjection expressing an affirmative oath — I will eat. [The vowel of the ha as interjection is, in addition, of a longer quality than that of ha as definite article.]
2. Here the ha is an inseparate def. art.; hence he must have meant, 'What I might eat of yours he a sacrifice', and therefore he is forbidden.
3. Of the Baraitha, that he is permitted.
4. That I will eat of yours.
5. And according to our premise the reason for R. Meir's ruling is that we deduce the opposite from his words, thus: 'but that which I might eat of thine be for korban'.
6. V. p. 28, n. 8.

7. According to the terms of his vow.
8. I.e., if one said, 'I am forbidden by a vow to erect a sukkah (v. Glos.), or put on tefillin', (v. Glos.) the vow is binding, although he is bound to do these things. and if he does them, he violates the injunction he shall not break his word.
9. I.e., if he said, 'I swear not to erect a sukkah, his oath is invalid.
10. Vows being applicable to concrete things only. Walking, talking and working are regarded here as abstractions (by contrast with the vow that a loaf of broad etc shall be as a sacrifice and forbidden), yet the Mishnah states that the vows are valid.
11. I.e., it is regarded as though he says.
12. The reason for this assumption is this: the konam of the Mishnah may refer either to my mouth (concrete) or to my talking (abstract). In the former case the vow would be valid, but not in the latter. Since it is not clear which, we adopt the more rigorous interpretation.
13. In which case the speaking would be the object of the vow: the speaking being abstract, the vow would be invalid.
14. I.e., invalid.
15. Lit., 'as the worship of stars'.
16. The hide was perforated opposite the heart, which was cut out from the living animal and offered to the idol. Cf. 'A.Z. 29b and 32a.
17. V. Glos. s.v. nebelah (pl. nebeloth) and terefoth (pl. terefoth).
18. V. supra 12a, a.l.
19. I.e., forbidden.
20. Lit., 'from another place'. I.e., when he wishes his vow to be annulled, the Rabbi, who must find for him some grounds of regret to invalidate his vow, must not do so by pointing out that such a vow is derogatory to his mother's dignity.
21. His mother's honour is too easy a ground for regret, and if the vow is invalidated on that score it is an encouragement to make such vows lightly, since they can easily be annulled. The making of vows was discouraged: cf. 9a.
22. And the vow would be binding.

that the positive may be inferred from the negative? But if R. Judah's, it is identical with the earlier Mishnah?(1) — Because he [the Tanna] teaches, 'AS THE FLESH OF THE SWINE, AS THE OBJECT OF IDOLATROUS WORSHIP,' he teaches hullin too.(2) Rabina said: This is what he teaches: NOW THESE ARE PERMITTED as [if he said WHAT I MIGHT EAT OF YOURS BE] HULLIN, VIZ., [IF ONE SAYS,] 'AS THE FLESH OF THE SWINE AS THE OBJECT OF IDOLATROUS WORSHIP'; and if HULLIN were not stated, I would have thought that absolution(3) is required But could I possibly think so? Since the last clause teaches: IF ONE SAYS TO HIS WIFE, 'BEHOLD! THOU ART UNTO ME AS MY MOTHER,' HE MUST BE GIVEN AN OPENING ON OTHER GROUNDS, it follows that in the first cause absolution is unnecessary? But it is clear that HULLIN is mentioned incidentally.

Whence do we know it?(4) — Scripture states, If a man vow a vow unto the Lord:(5) This teaches that one must vow by what is [itself] forbidden through a vow.(6) If so, even [if one vows] by a [Divinely] interdicted object too, since it is written, to bind his soul with a bond?(7) — That is necessary for what was taught: Which is the bond referred to in the Torah etc.(8)

HE WHO SAYS TO HIS WIFE, BEHOLD! THOU ART UNTO ME AS MY MOTHER', etc. But a contradiction is shewn: If one says to his wife, 'Behold! thou art unto me as the flesh of my mother, as the flesh of my sister, as 'orlah,(9) as kil'ayim(10) of the vineyard, his words are of no effect.(11) — Said Abaye: His words are of no effect by Biblical law, yet absolution is required by Rabbinical law. Raba answered: One refers to a scholar; the other refers to an 'am haarez.(12) And it was taught even so: If one vows by the Torah,(13) his words are of no effect. Yet R. Johanan commented: He must retract [his vow] before a Sage; while R. Nahman observed: A scholar does not need absolution.

1. Supra 10b.
2. I.e., hullin is unnecessary in itself, but mentioned merely for the sake of completeness.
3. Lit., 'a request' (for revocation).
4. That these vows are not binding.
5. Num. XXX, 3.
6. Translating: if a man vow by referring to a vow.
7. Ibid. This may also be interpreted: to bind his soul by that which is already a bond, vis. something Divinely interdicted.
8. V. supra 12a.
9. V. Glos.
10. V. Glos. Deut. XXII, 9.
11. Because all these objects are forbidden by the Law.

12. Lit., 'people of the earth' — an ignoramus. v. J.E. s.v. In the first case the vow is entirely invalid; but an ignoramus will treat vows too lightly if shewn leniency, and therefore needs absolution.
13. (E.g., 'I vow by the Torah not to eat of this loaf' — in reality a kind of oath. V. infra (Ran).]

Nedarim 14b

It was taught: If one vows by the Torah, his words are of no effect; by what is written therein, his vow is binding; by it and by what is written therein, his vow is binding. Since he states, 'by what is written therein, his vow is binding,' is it necessary to mention, 'by it and by what is written therein?' — R. Nahman answered: There is no difficulty: one means that a Torah is lying on the ground; the other, that [the vower] holds a Torah in his hand. If it is lying on the ground, his thoughts are of the parchment; if he holds it in his hand, his thoughts are of the Divine Names therein.(1) Alternatively, [both clauses mean] that it is lying on the ground, and we are informed this: even when it is lying on the ground, since he vows, 'by what is written therein,' his vow is valid;(2) and an anti-climax is taught.(3) A further alternative: the whole [Baraitha] indeed means that he holds it in his hand, and we are informed this:(4) Since he holds it in his hand, even if he merely says 'by it,' it is as though he said, 'by what is written therein'.(5)

MISHNAH. [IF ONE SAYS,] 'KONAM IF I SLEEP', 'IF I SPEAK', OR 'IF I WALK';(6) OR IF ONE SAYS TO HIS WIFE, 'KONAM IF I COHABIT WITH YOU,' HE IS LIABLE TO [THE INJUNCTION] HE SHALL NOT BREAK HIS WORD.(7)

GEMARA. It was stated: [If one says,] 'Konam be my eyes sleeping to-day, if I sleep to-morrow' — Rab Judah said in Rab's name: He must not sleep that day, lest he sleep on the morrow. But R. Nahman said: He may sleep on that day, and we do not fear that he may sleep on the morrow. Yet Rab Judah agrees that if one says, 'Konam be my eyes sleeping tomorrow, If I sleep to-day,' he may sleep that day;

1. The Heb. bamah shekathuw bah may mean either, by what is written therein, or, by that whereon it (the Law) is written. Now if the Scroll is lying on the ground, and one says, 'bamah shekathuw bah', we assume that he thought that it was a mere scroll not written upon, since it had been irreverently placed on the ground, and his words refer to the actual parchment, unless he says 'bah ubamah shekathuw bah', which can only mean by the scroll and by what is written therein. A reference to the parchment is invalid; to the Divine Names, is binding.
2. I.e., we assume the Heb. bamah shekathuw bah to bear that meaning, not, 'by that whereon it is written'.
3. In the clause: 'By it and by what is is written therein.' Lit., 'this, and the other goes without saying'.
4. BaH. [Cur. ed.: 'the whole also, the middle clause etc.'. Ran: 'the final clause informs us this'. All of which shows the text is in disorder. An attempt may he made to restore the text on the basis of MS.M. and Ran: 'The first clause (refers to the case) where it lies on the ground (MS.M.), the final clause (Ran) where he holds it in his hand (MS.M.). Such a text is also implied in the Ran on the passage.]
5. I.e., bah u-bamah shekathuw bah are now translated 'by it or by what is written therein', the copulative sometimes meaning or. The text is not quite clear, that of the Ran has been adopted as giving the most plausible rendering.
6. I.e., I am forbidden by a vow to sleep, etc. [Lit., 'konam be that which I sleep'. V. Laible, MGWJ. 1916, pp. 29ff'.]

7. Num. XXX, 3.

Folio 15a

a person may be lax with respect to a condition, but he is observant of an actual prohibition.(1) We learnt: [IF ONE SAYS,] 'KONAM IF I SLEEP, IF I WALK, IF I SPEAK, etc. How is it meant? If literally, 'if I sleep,' is such a vow valid? But it was taught: There is greater stringency in oaths than in vows, for oaths are valid with respect to things both abstract and concrete, but vows are not so; and sleep is an abstract thing! But if he said, 'Konam be my eyes sleeping,'(2) then, if he states no time-limit, is he permitted to go on until he violates the injunction, he shall not break his word?' But R. Johanan said: [If one says,] 'I swear not to sleep for three days', he is flagellated and may sleep immediately.(3) But if it means that he says, 'Konam be my eyes sleeping tomorrow, if I sleep to-day(4) — surely you say that a person is observant in respect of an actual prohibition?(5) Hence it is obvious that he says, 'Konam be my eyes sleeping to-day, if I sleep tomorrow. Now, if he did not sleep that first day, how can the injunction, he shall not break his word(6) apply, even if he slept on the second? Hence it surely means that he did sleep, thus proving that he is permitted to do so. This refutes Rab Judah! When is this stated? If he happened to sleep on the first day.(7) Rabina said: After all, it is as taught,(8) yet how can he shall not break his word apply? — By Rabbinical law.(9) But can the Biblical injunction apply by Rabbinical law?(10) — Yes. Even as it was taught: Things which are permitted, yet some treat them as forbidden, you must not permit them in their presence, because it is written, he shall not break his word.(11)

We learnt: [If one says to his wife, 'Konam be] that which you benefit from me until Passover, if you go to your father's house until the Festival',(12) if she went before Passover, she may not benefit from him until Passover. Now, only if she went before Passover is she forbidden, but not otherwise?(13) — R. Abba answered: If she went before Passover, she is forbidden and is flagellated;(14) If she did not go, she is merely forbidden. Then consider the second clause: After Passover, she is subject to he shall not break his word. Now if she did not benefit before Passover, how can the injunction apply? Hence it is obvious that she did benefit, which proves that this is permitted,

1. Thus, where the second day is merely a condition for the first, we fear that even after having slept on the first, he may do so on the second too, hut where the second day is the subject of the actual vow, we do not fear that having slept on the first he will disregard the prohibition of the second.
2. Since the konam falls upon the eyes, the vow is valid, eyes being concrete.
3. Because it is impossible to keep awake three consecutive days. Therefore his oath is inherently vain (v. Shebu. 25a); hence he is punished, and the oath is invalid.
4. It cannot mean that he simply said, 'konam be my eyes sleeping to-day', as in that case it is obvious; hence the stipulation must be assumed, and the meaning of the Mishnah will be that he must take heed not to sleep on the first day, lest he sleep on the second too, and thereby violate the injunction, for on any other meaning the Mishnah is superfluous.
5. So there is no reason for refraining from sleeping that day, since he will observe his oath on the next.
6. Num. XXX, 3.

7. Despite the prohibition for which very reason he may not sleep on the first.
8. Literally, viz., 'konam if I sleep'.
9. Though by Biblical law the vow is invalid, since sleep is abstract, the Rabbis declared it binding, and therefore the injunction holds good.
10. Lit., 'is there (the transgression) he shall not break in a Rabbinic (law)'.
11. When one is accustomed to treat a thing as forbidden, it is as though it were subject to a vow. Thus, though the prohibitive force of custom is Rabbinical only, the Biblical injunction applies to it.
12. 'The Festival', without any further determinant, always refers to Tabernacles, six months after Passover.
13. Though the condition extends to Tabernacles, we do not fear that she may yet violate it after Passover: this refutes Rab Judah.
14. If she benefits from him.

thus refuting Rab Judah! — [No.] That Mishnah teaches that if she benefited, she is involved in, 'he shall not break his word'.

We learnt: [If one says to his wife, 'Konam be] that which you benefit 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. [Thus,] if she goes, she is forbidden, but not otherwise?(1) — Raba answered: The same law applies that even without going she is forbidden. But if she goes, she is forbidden [to benefit], and receives lashes [if she does]; if she does not go, she is merely forbidden.

An objection is raised: [If he says,] 'This loaf [of bread be forbidden] to me to-day, if I go to such and such a place to-morrow: if he eats it, he is liable to an injunction, 'he shall not go'!(2) — Does he [the Tanna] teach: he may eat it — [surely] he teaches, 'if he eats it' so that if he eats it he is under the injunction not to go.(3) [The Baraitha continues:] If he goes, he violates the injunction, he shall not break his word.(4) But there is no [clause] teaching that he goes [on the second day]: this contradicts Rab Judah!(5) — R. Judah answers you: In truth, he could teach, he goes: but since the first clause teaches, 'if he eats', not being able to teach.'he eats'.(6) the second clause too teaches, 'if he goes

IF ONE SAYS TO HIS WIFE, KONAM IF I COHABIT WITH YOU.' HE IS LIABLE TO [THE INJUNCTION,] HE SHALL NOT BREAK HIS WORD. But he is obligated to her by Biblical law, as it is written, her food, her raiment, and her marriage rights he shall not diminish?(7) — It means that he vows, 'The pleasure of cohabitation with you be forbidden me': thus he surely denies himself the enjoyment of cohabitation.(8) For R. Kahana said: [If a woman says to her husband,] 'Cohabitation with me be forbidden to you,' she is compelled to grant it, since she is under an obligation to him. [But if she says,] 'The pleasure of cohabitation with you be forbidden me,' he is forbidden [to cohabit]. Since one may not be fed with what is prohibited to him.(9)

MISHNAH. [IF HE SAYS,] '[I SWEAR] AN OATH NOT TO SLEEP, OR, 'TALK,' OR, 'WALK,' HE IS FORBIDDEN [TO DO SO]. [IF HE SAYS,] 'A KORBAN BE WHAT I MIGHT NOT EAT OF YOURS,'(10) [OR] 'OH KORBAN! IF I EAT OF YOURS,' [OR] 'WHAT I MIGHT NOT EAT OF YOURS BE NOT A KORBAN UNTO ME,' HE IS PERMITTED [TO EAT OF HIS NEIGHBOURS'].

1. Though by going any time before Passover, subsequent to having benefited from her husband, the vow is violated. This contradicts Rab Judah.
2. This too refutes Rab Judah, since he may eat the loaf on the first day.
3. But actually this is forbidden.
4. Num. XXX, 3.
5. For if he may not eat the loaf on the first day. the Baraitha should teach such a clause on the assumption that he did not eat it.
6. For it cannot be taught that he may eat — this being Rab Judah's opinion.
7. Ex. XXI, 10. How then can he free himself by a vow?
8. Hence his vow is valid, since it falls primarily upon himself.

9. So here too. Where the husband or wife make a vow, depriving the other if his or her rights, it is invalid. But if the vow deprives its maker from the enjoyment of his or her privileges, it is valid, though the other is affected thereby too.
10. An alternative is: 'By the sacrifice (i.e., I swear by the sacrifice) I will not eat of yours.' [On this interpretation, the declaration is a form of oath taken by the life of the korban which is not binding. V. supra 13a, (Ran).]

Folio 16a

GEMARA. Whose view is taught in our Mishnah? — R. Meir's; for if R. Judah's, he recognises no distinction between a korban and Oh, korban.(1) Then consider the latter clause [IF HE SAYS,]. 'WHAT I MIGHT NOT EAT OF YOURS BE NOT A KORBAN UNTO ME,' HE IS PERMITTED. But we learnt: [If one says,] 'That which I might not eat of yours be not for a korban unto me': R. Meir forbids [him]. And R. Abba observed thereon: It is as though he said, 'let it [i.e., your food] be for a korban, therefore I may not eat of yours.(2) — There is no difficulty: in the latter case he said, 'le-korban' [for a korban]; but here [in our Mishnah] he said, 'la'-korban,'(3) which means: let it not be a korban.

MISHNAH. [IF HE SAYS, 'I TAKE] AN OATH [THAT] I WILL NOT EAT OF YOURS,' [OR] 'OH OATH THAT(4) I EAT OF YOURS,' [OR 'I TAKE] NO OATH [THAT] I WILL NOT EAT OF YOURS,'(5) HE IS FORBIDDEN.

GEMARA. This proves that 'Oh oath that I eat of yours implies that I will not eat. Now this contradicts the following: Oaths are of two categories, which are extended to four, viz., '[I swear] that I will eat,' 'that I will not eat,' 'that I have eaten, 'that I have not eaten'.(6) Now, since he enumerates, 'that I will eat,' 'that I will not eat,' 'that I have eaten.' 'that I have not eaten, it follows that [the phrase,] 'that I eat of yours' implies, 'I will eat'? — Abaye answered: 'That I eat' has two meanings. If one was being urged to eat, and he replied: 'I will eat, I will eat, moreover. [I take] an oath that I eat,' it implies, 'I will eat.' But if he said, 'I will not eat, I will not eat,' and then added: '[I take] an oath that I eat,' it implies, 'I will not eat'.(7) R. Ashi answered: 'That I eat,' in connection with an oath,(8) really means that he [actually] said, 'I will not eat'.(9) If so, it is obvious: why state it? — I might think it is a mispronunciation(10) which caused him to stumble;(11) we are therefore taught [otherwise].

Abaye does not give R. Ashi's reason, because it is not stated, 'That I will not eat.' R. Ashi rejects Abaye's interpretation: he holds, 'that I will not eat' may also bear two meanings. [Thus: —] if one was being urged to eat, and he said, 'I will not eat, I will not eat, and then added, 'I [swear by] an oath', whether [he concluded] 'that I eat,' or, 'that I do not eat,' it implies, 'I will eat'. While the language, 'An oath that I will not eat,' may also be explained as meaning, 'I swear [indeed] that I will not eat.'(12) But the Tanna(13) states a general rule: she-'okel [always] means that I will eat, and she-lo 'okel, that I will not eat.(14)

MISHNAH. IN THESE INSTANCES OATHS ARE MORE RIGOROUS THAN VOWS.(15) YET THERE IS [ALSO] GREATER STRINGENCY IN VOWS THAN IN OATHS. E.G., IF ONE SAYS, 'KONAM BE THE SUKKAH THAT I MAKE,' OR, 'THE LULAB THAT I TAKE, OR, THE TEFILLIN(16) THAT I PUT ON:' [WHEN EXPRESSED] AS VOWS THEY ARE BINDING, BUT AS OATHS THEY ARE NOT, BECAUSE ONE CANNOT SWEAR TO TRANSGRESS THE PRECEPTS.

1. This is argued from the fact the Mishnah does not include the form 'korban be what I might eat of yours', as permissible, as it does in the case of 'Oh, korban', which could be included according to R. Judah's opinion that the particle 'as' is necessary to render the oath binding, v. supra.
2. Then why not assume the same here?

3. So Ran. cur. edd. lo le-korban.
4. V. Gemara.
5. This even according to R. Meir, for the Talmud states (Shebu'oth 36a) that R. Meir holds that the positive may be inferred from the negative in oaths.
6. The two categories are affirmative and negative oaths referring to the future, which are extended to include similar oaths in the past.
7. The Heb. then means: 'I swear in this matter of eating' — viz., that I will not eat. [The whole turns on the meaning attached to . The particle may denote 'that' or 'if' (or 'that which'). In the first instance, the circumstance favours the former interpretation: 'An oath that I eat', i.e., 'I swear that I eat'. In the latter, he probably meant: 'An oath if (or that which) I eat, i.e., 'I swear not to eat', (or, 'By oath be forbidden that which I eat); cf. Shebu. 19b.]
8. I.e., the Mishnah, when employing this phrase in connection with oaths.
9. I.e., the Mishnah merely indicates that his oath bore reference to eating, but actually it was a negative one.
10. Lit., 'a twisting of the tongue'.
11. Saying she-i-'okel instead of she-'okel, the difference in Hebrew being very slight. — This answer, as well as the discussion supra et passim on le-korban and lo korban, implies that the vows and oaths, as hypothetically posited in the Mishnah, were actually taken in Hebrew, not in another language. Thus Hebrew was generally spoken when the Mishnah was composed, and the Hebrew employed in the Mishnah would appear a natural, not an artificial language. V. M.H. Segal, Mishnaic Hebrew Grammar, Introduction.
12. The text is not quite clear, but the general meaning appears to be this: When he says, 'lo akilna, lo akilna (I will not eat),' he may mean it positively, 'I will certainly not eat'; when he further adds, 'I swear that I will eat (she-'okel)' or 'that I will not eat' he is strengthening his first statement, for 'I swear that I will eat (she-'ohel)' may mean, 'I swear in respect of this matter of eating'. On the other hand, his first words may mean, 'I will not eat'? — of course I will! Hence the subsequent oath confirms this, for 'I swear that I will not eat (she-lo 'okel)' may mean, 'An oath may be imposed upon what I will no eat, but not upon what I will eat.' Hence, if Abaye's explanation is correct, that the Tanna teaches that she-'okel may imply a negative, he should also teach that she-lo 'okel may imply an affirmative. [MS.M. preserves a better reading: … if one was being urged to eat … whether (he concluded) 'that I eat' or 'that I do not eat' he means 'I shall not eat', while the language 'An oath that I will not eat' may be explained 'An oath that I do eat'. The meaning is thus clearer: When he first says 'I will not eat', his subsequent statement, whatever it is, will, on Abaye's explanation, be taken as confirming the first: If it is 'An oath that I eat' the particle (v. supra p. 43. n. 4) denotes 'if' or ('that which') and he means 'I swear I eat'; if it is 'An oath that I do not eat' the particle is simply taken in the sense of 'that'. And thus similarly on Abaye's view, the phrase 'that I do not eat' could also be explained in a positive sense: 'I swear … if I do not eat', viz., where it was preceded by the statement 'I will eat'. This however, is impossible, in view of the Mishnah in

Shebu'oth, which draws a distinction between 'that I will eat' and 'that I will not eat' and not between the circumstances that produced the oath.]

13. Of the Mishnah in Shebu'oth.
14. Disregarding the special cases where the general tenor of a person's speech or the inflection of his voice reverses the literal meaning of his oath.
15. Since the Mishnah (15b) states that a vow in these terms is not binding.
16. V. Glos. for these words.

Nedarim 16b

GEMARA. MORE RIGOROUS? That implies that they are [valid] vows;(1) but it is taught, He is permitted?(2) — This is taught in reference to the second clause of the other section: [viz.,] [If one says,] ['I swear] on oath not to sleep,' or, 'talk,' or 'walk,' he is forbidden [to do so]: IN THESE INSTANCES OATHS ARE MORE RIGOROUS THAN vows.(3)

YET THERE IS GREATER STRINGENCY IN VOWS THAN IN OATHS etc. R. Kahana recited, R. Giddal said in Rab's name, and R. Tabyomi recited, R. Giddal said in Samuel's name: Whence do we know that one cannot swear [a valid oath] to violate the precepts? Front the verse, When a man … swear an oath … he shall not break his word,'(4) [this implies,] he may not break his word,(5) but he must break a word [i.e., an oath] in respect of Heavenly matters.(6) Now, why are vows different: because it is written, When a man vow a vow unto the Lord … he shall not break his word?(7) But [of] oaths too it is written, or swear an oath unto the Lord he shall not break his word?(8) — Abaye answered: In that case [vows] one says: 'The pleasure of the sukkah be forbidden me';(9) but in this case [oaths] one says; 'I swear that I shall not benefit from the sukkah'.(10) Raba objected: Were the precepts then given for enjoyment?(11) But Raba answered: There [in the case of vows] one says, 'The sitting in the sukkah be forbidden me';(12) but here [oaths] one says, 'I swear not to sit in the sukkah'.

Now, do we learn that one cannot swear to transgress the precepts from this verse: do we not rather deduce it from elsewhere? For it was taught: If one swears to annul a precept, and does not, I might think that he is liable,(13)

1. Save that their binding character is not so rigid as that of oaths; but if not binding at all, the term is inapplicable.
2. V. Mishnah 25b; that indicates that these vows are quite invalid.
3. For as stated in the Mishnah on 14b, such vows are indeed binding, but as explained by Rabina (v. 15a), only by Rabbinical Law; whereas oaths of a similar nature are Biblically valid.
4. Num. XXX, 3.
5. I.e., when it refers to human, optional matters.
6. I.e., when the subject of the vow is obligatory.
7. Ibid. Implying that it is binding even when referring to Divine, non-optional matters. This is inferred by regarding unto (k) as meaning against: i.e., when a man vows contrary to the Lord's precepts.
8. Ibid. Not actually; but as to the Lord immediately precedes or swear an oath, it may he regarded as referring to it.
9. Hence it is binding, as one may not coy that which he has vowed not to enjoy.
10. I.e., the oath falls primarily upon the person. v. supra 2b; but one cannot free himself from a Biblical obligation.
11. Technically speaking, one cannot be said to drive physical enjoyment from the fulfilment of a precept, and therefore a vow in these terms would not be binding.

One's highest enjoyment should be in obedience to God's word. [Apart from its halachic implications, the object of this saying was to keep the ethical principle free from any admixture of the idea of utility V. Lazarus, M. Ethics of Judaism, I, p. 284.]

12. Thus the vow falls upon the sukkah, which is rendered forbidden, and upon the person; therefore it is valid.
13. For swearing falsely.

Folio 17a

hence the Bible teaches, [or if a soul swear, pronouncing with his lips] to do evil, or to do good etc.:(1) just as doing good refers to something optional,(2) so doing evil refers [only] to something optional. This excludes one who swears to annul a precept, and did not annul it,(3) because it is not optional! — One verse is to exempt him from the sacrifice due for [violating] an oath, and the other is to exempt him [from punishment(4) for having violated] the injunction concerning an oath.

MISHNAH. A VOW WITHIN A VOW IS VALID,(5) BUT NOT AN OATH WITHIN AN OATH. E.G., IF ONE DECLARES, 'BEHOLD, I WILL BE A NAZIR IF I EAT [THIS LOAF].' 'I WILL BE A NAZIR IF I EAT [THIS LOAF],' AND THEN EATS [IT], HE IS LIABLE IN RESPECT OF EACH [VOW].(6) BUT IF HE SAYS, 'I SWEAR THAT I WILL NOT EAT [THIS LOAF],' 'I SWEAR THAT I WILL NOT EAT [THIS LOAF],' AND THEN EATS [IT], HE IS LIABLE [TO PUNISHMENT] FOR ONE [OATH] ONLY.

GEMARA. R. Huna said: This holds good only if one says, 'Behold, I will be a nazir to-day [if I eat this loaf]; I will be a nazir to-morrow [if I eat this loaf]', since an extra day is added, the [second] neziruth(7) is binding in addition to the first.(8) But if he says, 'Behold, I will be a nazir to-day, I will be a nazir to-day,' the second neziruth is not valid in addition to the first. But Samuel said: Even if one declares, 'Behold, I will be a nazir to-day, I will be a nazir to-day,' the second neziruth is binding. Now, according to R. Huna, [the Mishnah,] instead of teaching BUT NOT AN OATH WITHIN AN OATH, should teach, Sometimes A VOW WITHIN A VOW IS VALID, and sometimes not. [If one says,] 'Behold, I will be a nazir to-day; behold, I will be a nazir to-morrow,' the vow within the vow is binding. But if he says, 'Behold, I will be a nazir to-day, I will be a nazir to-day,'

1. Lev. V, 4.
2. V. Shebu. Sonc. ed.) p. 147 for notes.
3. Teaching that no penalty is incurred.
4. [I.e., the penalty of lashed for transgressing 'he shall not break his word'. He is however lashed for uttering a vain oath; v. Shebu. 29a (Tosaf).]
5. Lit., 'there is a vow within a vow'.
6. And he must observe two periods of neziroth of thirty days each. This double vow relating to the same thing is called a vow within a vow.
7. Abstract noun from nazir, 'naziriteship'.
8. And the full statutory period of thirty days must be observed for the second neziruth.

the second is not binding?(1) — This is a difficulty.

We learnt: A VOW WITHIN A VOW IS VALID, BUT NOT AN OATH WITHIN AN OATH. How is this? shall we say that one declared, 'Behold, I will be a nazir to-day. Behold, I will be a nazir tomorrow':(2) then an analogous oath is: 'I swear not to eat figs. I swear not to eat grapes,' why should this second oath be invalid? But the invalidity of all oath within an oath arises thus: 'I swear not to eat figs, I swear not to eat figs.' Then an analogous vow in respect of neziruth is: 'Behold, I will be a nazir to-day; Behold, I will be a nazir to-day; and it is stated, A VOW WITHIN A VOW IS VALID. This refutes R. Huna? — R. Huna answers you: The Mishnah applies to one who said: 'Behold, I will be a nazir to-day. Behold, I will be a nazir to-morrow;'(3) and an analogous oath is: 'I swear not to eat figs I swear not to eat figs and grapes,'(4) the second oath being invalid. But did not Rabbah Say: [If one says,] 'I swear not to eat figs,' and then adds, 'I swear not to eat figs and grapes'; if he eats figs, sets aside [an animal for] a sacrifice and then eats grapes, the grapes constitute [only] half the extent [of his second oath],(5) and a sacrifice is not brought for [the violation of] such. Front this we see that if one declares, 'I swear not to eat figs,' and then adds,' I swear not to eat figs and grapes': since the [second] oath is valid in respect of grapes, it is valid in respect of figs too? — R. Huna does not agree with Rabbah.

An objection is raised; If one made two vows of neziruth, observed(6) the first, set aside a sacrifice,(7) and then had himself absolved thereof [sc. the first vow], the second is accounted to him in [the observance of] the first.(8) How is this? Shall we say that he declared, 'Behold, I will be a nazir to-day; Behold, I will be a nazir tomorrow', why does the second replace the first; surely there is an additional day? But it is obvious that he said: 'Behold, I will be a nazir to-day; Behold, I will be a nazir to-day.'

1. The point of the difficulty is that the Tanna should not draw a distinction between vows and oaths, when it can be drawn between vows themselves.
2. The second vow being a real addition to the first.
3. So that the second vow is identical with the first, save that a day is added.
4. The second oath thus included the first, and added thereto.
5. Which embraces grapes and figs.
6. Lit., 'counted' — the days of his vow.
7. Due on the expiration of neziroth.
8. I.e., the term of neziroth already observed is accounted to the second view, since the first was revoked.

Folio 18a

This contradicts R. Huna! — No. After all, [it means that he said,] 'Behold, I will be a nazir to-day; Behold, I will be a nazir to-morrow; and how is it accounted to him? With the exception of that additional day. Alternatively, [it means], e.g that one undertook two periods of neziruth simultaneously.(1)

R. Hamnuna objected: To vow a vow of a Nazirite, declaring themselves it Nazirite [into the Lord]:(2) teaches hence [we learn] that neziruth falls upon neziruth.(3) For I would think, does it [the reverse] not follow a fortiori: If an oath, which is [more] stringent, is not binding upon another oath; how much more so neziruth, which is less rigorous!(4) Therefore it is stated, 'a nazirite, declaring himself a nazirite to the Lord'; from which [we learnt] that neziroth falls upon neziroth. Now how is this? Shall we say, that one said, 'Behold, I will be a nazir to-day; Behold, I will be a nazir to-morrow, — is a verse necessary? But presumably it applies to one who said, 'Behold, I will be a nazir to day, Behold, I will be a nazir to-day;' and it is stated that the second [vow of] neziruth is binding in addition to the first?(5) — No. This refers to one who undertook two [periods of] neziruth simultaneously.

Now, wherein is an oath more rigorous than a vow? Shall we say in so far that it is applicable even to the abstract:(6) but a vow too is more stringent, since it is as valid in respect to a precept as in respect to anything optional?(7) — But it is because it is written in reference thereto, he shall not be held guiltless [that taketh my name in vain].(8)

BUT IF HE SAYS, 'I SWEAR THAT I WILL NOT EAT [THIS LOAF],' 'I SWEAR THAT I WILL NOT EAT [THIS LOAF],' AND THEN EATS IT, HE IS LIABLE [TO PUNISHMENT] FOR ONE [OATH] ONLY. Raba said: If he was absolved of the first, the second becomes binding. How is this deduced? Since it is not stated, It is only one [oath], but, HE IS LIABLE [TO PUNISHMENT] FOR ONE [OATH] ONLY: thus, there is no room for it;(9) but if the first is revoked, the second becomes binding. A different version [of Raba's dictum] is this: There is no penalty [for the second], yet it is an oath. For what purpose is it so?(10) — For Raba's dictum. For Raba said: If he was absolved of the first, the second takes its place. Shall we say that the following supports him: If one made two vows of neziruth, observed the first, set aside a sacrifice, and was then absolved thereof, the second [vow] is fulfilled in [the observance of] the first?(11) — [No.] This refers e.g., to one who vowed two periods of neziruth simultaneously.(12)

1. Declaring. 'I vow two periods of neziroth'.
2. Num. VI, 2.
3. I.e., a vow of neziruth is binding upon one who is already a nazir, translating thus: … of a nazirite, when he is already a nazirite to the Lord.
4. The greater stringency of oaths is explained below. To shew that the second is binding-surely it is obvious!
5. This contradicts R. Huna.
6. V. supra 13b, a.l.
7. V. Mishnah on 16a.

8. Ex. XX, 7.
9. I.e., for the second to impose a penalty, since that is incurred on account of the first.
10. Since he is not punished for violating the second, whilst he is already bound by the first, what does it matter whether we regard the second as an oath or not?
11. This proves that the second is actually valid.
12. Hence the second is binding; but if one declares, 'I swear not to eat this loaf, I swear not to eat this loaf', it may be that his second statement has no validity at all. For further notes on this passage v. Shebu. (Sonc. ed.) pp. 150ff.

Nedarim 18b

MISHNAH. UNSPECIFIED VOWS ARE INTERPRETED STRICTLY, BUT IF SPECIFIED,(1) LENIENTLY. E.G., IF ONE VOWS, BEHOLD! THIS BE TO ME AS SALTED MEAT,' OR, 'AS WINE OF LIBATION': NOW, IF HE VOWED BY ALLUSION TO A PEACEOFFERING,(2) HE IS FORBIDDEN;(3) IF BY AN IDOLATROUS SACRIFICE, HE IS PERMITTED, BUT IF IT WAS UNSPECIFIED, HE IS FORBIDDEN. [IF ONE DECLARES], 'BEHOLD! THIS BE TO ME AS HEREM': IF AS A HEREM TO THE LORD,(4) HE IS FORBIDDEN; IF AS A HEREM TO THE PRIESTS, HE IS PERMITTED.(5) IF IT IS UNSPECIFIED, HE IS FORBIDDEN. 'BEHOLD! THIS BE TO ME AS TITHE': IF HE VOWED, AS CATTLE TITHES, HE IS FORBIDDEN; IF AS CORN TITHES, HE IS PERMITTED; IF UNSPECIFIED, HE IS FORBIDDEN.(6) 'BEHOLD! THIS BE TO ME AS TERUMAH';(7) IF HE VOWED, AS THE TERUMAH OF THE TEMPLE-CHAMBER,(8) HE IS FORBIDDEN; IF AS THE TERUMAH OF THE THRESHING-FLOOR [I.E., OF CORN]. HE IS PERMITTED;(9) IF UNSPECIFIED, HE IS FORBIDDEN: THIS IS THE VIEW OF R. MEIR. R. JUDAH SAID; AN UNSPECIFIED REFERENCE TO TERUMAH IN JUDEA(10) IS BINDING, BUT NOT IN GALILEE, BECAUSE THE GALILEANS ARE UNFAMILIAR WITH THE TERUMAH OF THE TEMPLE-CHAMBER.(11) UNQUALIFIED ALLUSIONS TO HARAMIM IN JUDEA ARE NOT BINDING. BUT IN GALILEE THEY ARE, BECAUSE THE GALILEANS ARE UNFAMILIAR WITH PRIESTLY HARAMIM.(12)

GEMARA. But we learnt: A doubt in neziruth is treated leniently?(13) — R. Zera answered; There is no difficulty; This [our Mishnah] agrees with the Rabbis; the other, with R. Eliezer. For it was taught: If one consecrates [all] his beasts and his cattle,(14) the koy(15) is included. R. Eliezer said: He has not consecrated the koy.(16) He who maintains that one permits doubt to extend to his chattels,(17) maintains likewise that he permits it to extend to himself too.(18) But he who holds that one does not permit doubt to extend to his chattels, will maintain this all the more of one's own person.

1. After the vow is made in general terms (Ran).
2. [Var. lec. 'TO HEAVEN', v. next note.]
3. To benefit from the object of his vow — i.e., his vow is valid.
4. Lit., 'of Heaven'. For 'Heaven' as a synonym of god cf. I Macc. III, 18 (though some ancient authorities read there 'the God of heaven'); Matt. XXI. 25; v. A. Marmorstein, The Old Rabbinic doctrine of God, I, pp. 14 and 105-106.
5. That which was devoted (herem) to the Lord, i.e., to be utilized in or sold for Temple purposes, could not be redeemed, and hence was definitely forbidden for secular use (Lev. XXVII, 28); but if devoted to the priests. it might be so used once they had taken possession of it (Num. XVIII, 14); it is therefore regarded as permitted, and a reference to it in a vow has no validity.
6. The cattle tithe had to be formally designated, hence it is regarded as humanly forbidden, and a reference to it is valid; but the corn tithe belonged automatically to the Levite, even if not formally designated; therefore it is regarded as Divinely forbidden; v. supra 13b.
7. V. Glos.

8. For congregational sacrifices; v. Shek. III. 2; IV. 1.
9. V. p. 50. n. 8. The terumah of the Temple fund had to be formally designated, but that of corn was regarded as Divinely and automatically forbidden.
10. I.e., the southern portion of Palestine.
11. The Galileans, living at some distance from the Temple, did not think much about the Temple fund, consequently, when they spoke of terumah without any further qualification, they meant terumah if corn.
12. As the priests lived mainly in Judea, priestly haramim were unusual in Galilee; hence a Divine Herem must have been meant.
13. Toho. IV, 12. E.g., if one vows, 'Behold! I will be a nazir if the man who is just passing is one', and that person disappeared before it could be ascertained whether he was or not, the vow is not binding. This contradicts the Mishnah that an unspecified vow, the meaning of which is doubtful, is rigorously interpreted.
14. So Rashi and Asheri. Ran: his beasts or his cattle; Tosaf. maintains that it refers to both cases The term 'cattle' (behemah) refers to domesticated animals; 'beasts' (hayyah) to wild or semi-wild animals.
15. Probably a kind of bearded deer or antelope. It is doubtful whether this belongs to the genus of cattle or of beasts. This view is that the koy must be included in the one or the other. Or, according to the interpretation of the Ran, we are strict because of our doubt.
16. Because his vow embraced animals of certain, but not of uncertain genus.
17. I.e., in consecrating his cattle or his beasts, he meant it to include the lot, though aware that it is of doubtful genus.
18. Thus, having subjected himself to an unspecified vow, his intention is that the most rigorous interpretation of his words shall apply.

Folio 19a

Abaye said to him: How have you explained [the Mishnah] 'A doubt in neziruth is ruled leniently' — as being R. Eliezer's view? Then consider the latter clause: Doubtful first-borns, whether of man(1) or beast,(2) whether clean or unclean — the claimant must furnish proof [that they are first-borns].(3) And it was taught thereon: They may neither be sheared nor put to service!(4) — He replied: Why do you compare innate sanctity(5) with man-made sanctity?(6) But if there is a difficulty, it is this: Doubtful fluids,(7) in respect of becoming unclean [themselves], are unclean; in respect of defiling others, they are clean:(8) this is R. Meir's view, and R. Eliezer agreed with him. But is it R. Eliezer's opinion that in respect of becoming unclean [themselves] they are unclean? But it was taught, R. Eliezer said: Liquids have no uncleanness at all [by Scriptural law]; the proof is that Jose b. Joezer of Zeredah(9) testified(10) that the stag locust(11) is clean [i.e., fit for food], and that the fluids(12) in the [temple] slaughter-house are clean?(13) Now, there is no difficulty according to Samuel's interpretation that they are clean [only] insofar that they cannot defile other liquids, but that nevertheless they are unclean in themselves; but according to Rab, who maintained that they are literally clean [even in respect of themselves], what can be said?(14) But [answer thus]: One [the Mishnah in Toharoth] teaches R. Judah's view; the other [our Mishnah] gives R. Simeon's. For it was taught: [If one says,] 'Behold! I will be a nazir,' if this stack contains a hundred kor,'(15) and he goes and finds it stolen or destroyed: R. Judah ruled that he is not a nazir: R. Simeon, that he is.(16)

Now, R. Judah is self-contradictory. Did he say that one does not place himself in a doubtful position?(17) Then a contradiction is shewn: R. JUDAH SAID: AN UNSPECIFIED REFERENCE TO TERUMAH IN [JUDEA IS BINDING, BUT NOT IN GALILEE, BECAUSE THE GALILEANS ARE UNFAMILIAR WITH THE TERUMAH OF THE TEMPLE-CHAMBER. Thus the reason is that they are unfamiliar,

1. If, e.g., a woman gave birth to twins, a male and a female, and it is not known the head of which appeared first (this being legally regarded as birth). If of the male, he is a firstborn; but if of the female, the male is not a first-born even if he subsequently issued first.
2. If, e.g., two cows calved, one a male and one a female, one a firstling and one not; and it is not known whether the male is the firstling. Only male firstlings belong to the priest.
3. I.e., if the priest claims the firstling or redemption money for the first-born.
4. Just as certain firstlings. (v. Deut. XV, 19). How then can this be the view of R. Eliezer, who holds that when in doubt the animal is not regarded as consecrated?
5. Lit., 'sanctity that comes of itself', v. B.M. (Sonc. ed.) pp. 26ff.
6. In the former case a rigorous view is naturally taken. But when man consecrates, he has in mind only that which certainty comes within the terms of his consecration.
7. E.g., if an unclean person, whose touch defiles liquids. put his hand into a vessel, and it is not known whether he actually touched the liquid there or not.
8. They do not defile them.

9. I Kings XI, 26.
10. On the historic occasion, when as a result of a dispute between R. Gamaliel and R. Joshua, the former was temporarily deposed from the Patriarchate, and R. Eliezer b. 'Azariah appointed in his stead. An examination was then made of scholars' traditions, which were investigated and declared valid or otherwise, v. 'Ed. (Sonc. ed.) Introduction, XI.
11. Heb. Ayil, of doubtful meaning.
12. The flow of blood and water.
13. Even by Rabbinical law. Since the general uncleanliness of liquids is rabbinical only, it was not imposed upon liquids in the temple slaughter house, so as not to defile the flesh of sacrifices. The language of this testimony is Aramaic, whereas all other laws in the Mishnah are couched in Hebrew. Weiss, Dor, I, 105, sees in this a proof of its extreme antiquity; v. A.Z. (Sonc. ed.) pp. 181ff for further notes.
14. It may appear that this difficulty arises in any case. But if the Mishnah, 'an uncertain vow of neziruth', is not R. Eliezer's ruling, it can be answered that though the entire law of the uncleanness of liquids is rabbinical only, he is nevertheless stringent in a case of doubt. But if the Mishnah agrees with R. Eliezer, so that though neziruth and vows in general are Biblically binding, he is lenient in case of doubt, how can he treat liquids strictly, when the law is merely rabbinical?
15. A measure of capacity: 36.44 litres in dry measure; 364.4 litres in liquid measure. J.E. 'Weights and Measures'.
16. Lit., 'R. Judah permits. R. Simeon forbids'.
17. I.e., he meant to be a nazir only if it certainly contained that measure.

but if they were familiar [therewith], it would be binding?(1) — Raba answered: In the case of the stack he holds that since doubt is graver than certainty, one will not put himself into that doubtful position. For if he is a certain nazir, he may shave(2) and offer his sacrifice, which may be eaten, but if he is a doubtful nazir, he may never shave.(3) R. Huna b. Judah asked Raba; But what if he said, 'Behold! I will be a lifelong nazir'?(4) He replied; Even then, a lifelong nazir, his doubt is graver than his certainty; for a certain nazir lightens the burden of his hair and offers three animals,(5) but not so a doubtful nazir. But what if he said, 'Behold! I will be a Samson nazirite'?(6) — He replied: A Samson nazirite was not included.(7) Said he to him: But R. Adda b. Ahabah said: A Samson Nazirite was taught?(8) He replied; If it was taught, it was taught.(9)

R. Ashi said: That [the Mishnah in Toharoth] gives the view of R. Judah quoting R. Tarfon.(10) For it was taught: R. Judah said on the authority of R. Tarfon: Neither is a nazir, because neziroth must be expressed with certainty.(11) If so, why particularly if the stack was stolen or destroyed?(12) — To shew how far-reaching is R. Simeon's view, that even if it was stolen or destroyed, he still maintains that one places himself in a doubtful position.

R. JUDAH SAID: AN UNSPECIFIED REFERENCE TO TERUMAH IN JUDEA etc. But if they were familiar therewith, it would be binding, which shews that the doubt is ruled stringently. Then consider the last clause: UNQUALIFIED ALLUSIONS TO HARA MIM IN JUDEA ARE NOT BINDING BUT IN GALILEE THEY ARE, BECAUSE THE GALILEANS ARE UNFAMILIAR WITH PRIESTLY HARAMIM. But if they were familiar, they would be invalid: thus in doubt we are lenient? — Abaye answered: The last clause is the view of R. Eleazar b. R. Zadok. For it was taught: R. Judah said: An unspecified [reference to] terumah in Judah is binding. R. Eleazar son of R. Zadok said: unspecified [references to] haramim in Galilee are binding.

1. Though it would still be doubtful to which he referred.
2. On the expiration of his term of neziroth.
3. Because this must follow his sacrifices. But being a doubtful nazir, he cannot offer any at all, lest he be not one, in which case the animal, having been wrongfully designated as a nazir's sacrifice, is hullin (q.v. Glos.), which may not be brought to the Temple Court.
4. Here the doubt cannot he more stringent than the certainty, as the term never expires, and since R. Judah draws no distinction in neziroth, his ruling must apply even to such.
5. V. Nazir, 4.
6. V. ibid. In which case his hair may never be cut.
7. The term nazir may include a lifelong nazir, but not a Samson nazir, which would require special mention.
8. [I.e., that R. Judah declares that he is not a nazir even in the case of a Samson nazirite vow (Ran).]

9. I cannot answer it.
10. But not his own view.
11. This refers to the following case: If two persons were walking together, and one said: 'I will be a nazir, if the man who is coming towards us is one'; whereupon the other said: 'I will be a nazir if he is not', the vow is binding upon neither, because of the element of doubt in each when it was made, v. Naz. 34a.
12. Even if the stack is intact and contains the stipulated measure, the vow of neziruth is invalid, since when it was taken it was unknown.

Folio 20a

MISHNAH. IF ONE VIEWS BY HEREM,(1) AND THEN SAYS, 'I VOWED ONLY BY A FISHING NET',(2) BY KORBAN, AND THEN SAYS, I VOWED ONLY BY ROYAL GIFTS',(3) [IF HE SAYS] BEHOLD! [I MYSELF] 'AZMI BE A KORBAN',(4) AND THEN STATES. 'I VOWED ONLY BY THE EZEM [BONE] WHICH I KEEP FOR THE PURPOSE OF VOWING';(5) [IF ONE SAYS,] 'KONAM BE ANY BENEFIT MY WIFE HAS OF ME, AND THEN DECLARES, I SPOKE ONLY OF MY FIRST WIFE, WHOM I HAVE DIVORCED (IF NONE OF THESE [VOWS] DO THEY REQUIRE TO SEEK ABSOLUTION.(6) BUT IF A REQUEST FOR ABSOLUTION IS PREFERRED, THEY ARE PUNISHED AND TREATED STRICTLY: THIS IS THE VIEW OF R. MEIR, BUT THE SAGES SAY: THEY ARE GIVEN AN OPENING [FOR REGRET] (IN OTHER GROUNDS.(7) AND THEY ARE ADMONISHED SO THAT THEY DO NOT TREAT VOWS WITH LEVITY.

GEMARA. This is self-contradictory: You say, OF NONE OF THESE VOWS DO THEY REQUIRE TO SEEK ABSOLUTION; and then you continue: IF A REQUEST FOR ABSOLUTION IS PREFERRED, THEY ARE PUNISHED AND TREATED STRICTLY?(8) — Said Rab Judah, This is its meaning; OF NONE OF THESE VOWS DO THEY REQUIRE TO SEEK ABSOLUTION. This applies however only to a scholar;(9) and when 'am ha-arez(10) applies for absolution, he is punished and treated strictly. Now 'TREATED STRICTLY' is well: it means that we do not suggest an opening for regret.(11) But how are they punished? — As it was taught: If one vowed neziroth and then violated his vow: his case is not examined unless he observes his vow for the full period that he had violated it: this is the view of R. Judah. R. Jose said: This applies only to short neziroth [i.e., thirty days]; but in the case of a long period of neziroth, thirty days are sufficient.(12) R. Joseph said: Since the Rabbis have decreed, his case is not to be examined, if a Beth din(13) does attend to it [before time], it does not act right [and must be reprimanded]. R. Aha b. Jacob said: It is banned.(14)

BUT THE SAGES SAY: THEY ARE GIVEN AN OPENING [FOR] REGRET etc. It was taught: Never make a practice of vowing, for ultimately you will trespass in the matter of oaths,(15) and do not frequent an 'am ha-arez, for eventually he will give you tebalim;(16) and do not associate with a priest, an 'am ha-arez, for ultimately he will give you terumah to eat;(17) and do not converse much with women, as this will ultimately lead you to unchastity.(18) R. Aha of the school of(19) R. Josiah said: He who gazes at a woman eventually comes to sin, and he who looks even at a woman's heel will beget degenerate children. R. Joseph said: This applies even to one's own wife when she is a niddah.(20) R. Simeon b. Lakish said: 'Heel' that is stated means the unclean part, which is directly opposite the heel.

It was taught: [And Moses said unto the people, fear not: for God is come to prove you,] that his fear may be before your faces:(21) By this is meant shamefacedness; that ye sin not(22) — this teaches that shamefacedness leads to fear of sin: hence it was said(23) that it is a good sign if a man is shamefaced.(24) Others say: No man who experiences shame(25) will easily sin; and he who is not shamefaced — it is certain that his ancestors were not present at Mount Sinai.

R. Johanan b. Dahabai said: The Ministering Angels told me four things: People are born lame because they [sc. their parents] overturned their table [i.e., practised unnatural cohabitation]; dumb, because they kiss 'that place'; deaf, because they converse during cohabitation; blind, because they look at 'that place'. But this contradicts the following: Imma Shalom(26) was asked: Why are

1. Viz., 'This be herem unto me'.
2. Herem meaning net too; i.e., 'I did not vow at all'.
3. Korban meaning an offering, and hence applicable to gifts or tribute to the king.
4. Implying that he had consecrated himself to the Lord and needed redemption; v. Lev. XXVII, 1-8. (Rashi). [Or: May I myself be forbidden to you as korban (Ran).]
5. [In order to give the impression to the hearer that I am making a vow.]
6. Being invalid, according to the meaning assigned to them.
7. Lit., 'from another place'. I.e., they cannot obtain absolution on the plea that thy had attached an unusual significance to their words, for the phrase cf. supra 13b.
8. The first implies that they are altogether invalid, whereas the second implies that they are valid vows.
9. Who is careful about making vows.
10. V. Glos.
11. When one desired absolution, the Rabbi usually suggested grounds for granting it; here, however, such aid was to be withheld.
12. E.g., if he had vowed to be a nazir a hundred days, violated his vow for fifty days, and then desired absolution, it is enough to observe thirty days only, and then he is absolved. Here too he is punished in this way.
13. Lit., 'house of law': Jewish court of law. Any three persons could constitute themselves a Beth din, by request, and it is to such a constituted body of laymen that this dictum probably refers. [Absolution could he granted either by one Rabbi or by three laymen; infra.]
14. On the term used shamta, v. supra p. 17, n. 2.
15. Which are more stringent.
16. Tebel, pl. tebalim, produce from which no tithes have been set aside.
17. According to this reading the exhortation is to a zar. The Ran however reads: 'unclean terumah', which was forbidden even to a priest, in which case the exhortation is to a priest.
18. The present statement is not meant to be derogatory to women, who were held in high esteem, but conditioned by the prevailing laxity in sexual matters which characterised many of the ancient peoples. V. Herford Talmud and Apocrypha, pp. 163ff.

19. Berabbi or Beribbi is a contraction of Be Rab, belonging to the school of an eminent teacher (Jast.).
20. A woman during her period of menstruation and seven days following.
21. Ex. XX, 17.
22. Ibid.
23. This indicates a very ancient tradition; v. Frankel, Z.: Darke ha-Mishnah, p. 305; Bacher, Tradition und Tradenten, pp. 160, 171 seqq.
24. Cf. Yeb. 79a, where a sense of shame is said to be one of the characteristics of the Jew; also Ab. V, 20, where 'shamefacedness' is contrasted with 'bold-facedness', i.e., impudence or insolence.
25. I.e., who is not hardened or callous, but feels humiliated when he does wrong.
26. The wife of R. Eliezer b. Hyrkanos, a sister of Gamaliel II.

thy children so exceedingly beautiful? She replied: [Because] he [my husband] 'converses' with me neither at the beginning nor at the end of the night, but [only] at midnight; and when he 'converses', he uncovers a handbreadth and covers a hand breadth, and is as though he were compelled by a demon. And when I asked him, What is the reason for this [for choosing midnight], he replied, So that I may not think of another woman,(1) lest my children be as bastards.(2) — There is no difficulty: this refers to conjugal matters;(3) the other refers to other matters.

R. Johanan said: The above is the view of R. Johanan b. Dahabai; but our Sages said: The halachah is not as R. Johanan b. Dahabai, but a man may do whatever he pleases with his wife [at intercourse]: A parable; Meat which comes from the abattoir, may be eaten salted, roasted, cooked or seethed; so with fish from the fishmonger.(4) Amemar said: Who are the 'Ministering Angels'? The Rabbis. For should you maintain it literally, why did R. Johanan say that the halachah is not as R. Johanan b. Dahabai, seeing that the angels know more about the formation of the fetus than we? And why are they designated 'Ministering Angels'? — Because they are as distinguished as they.(5)

A woman once came before Rabbi and said, 'Rabbi! I set a table before my husband, but he overturned it.' Rabbi replied: 'My daughter! the Torah hath permitted thee to him — what then can I do for thee?' A woman once came before Rab and complained. 'Rabbi! I set a table before my husband, but he overturned it.' Rab replied; Wherein does it differ from a fish?(6)

And that ye seek not after your own heart.(7) [Deducing] from this Rabbi taught: One may not drink out of one goblet and think of another.(8) Rabina said: This is necessary only when both are his wives.

And I will purge out from among you the rebels, and them that transgress against me.(9) R. Levi said: This refers to children belonging to the following nine categories: children of fear,(10) of outrage, of a hated wife, one under a ban,(11) of a woman mistaken for another,(12) of strife,(13) of intoxication [during intercourse], of a mentally divorced wife,(14) of promiscuity, and of a brazen woman.(15) But that is not so: for did not R. Samuel b. Nahmani say in the name of R. Jonathan: One who is summoned to his marital duty by his wife will beget children such as were not to be found even in the generation of Moses? For it is said, Take you wise men, and understanding [and known among your tribes, and I will make them rulers over you];(16) and it is written, So I took the chiefs of your tribes, wise men and known(17) but 'understanding' is not mentioned.(18) But it is also written, Issachar is a large-boned ass;(19) whilst elsewhere it is written, And of the children of Issachar, which were men that had understanding of the titles?(20) — [It is virtuous] only when the wife ingratiates herself [with her husband].(21)

CHAPTER III

MISHNAH. FOUR TYPES OF VOWS HAVE THE SAGES INVALIDATED;(22) VIZ., VOWS INCENTIVE, VOWS OF EXAGGERATION, VOWS IN ERROR, AND VOWS [BROKEN] UNDER PRESSURE.(23) VOWS INCENTIVE: E.G., IF ONE WAS SELLING AN ARTICLE AND SAID, KONAM THAT I DO NOT LET YOU HAVE IT FOR LESS THAN A SELA"; AND THE OTHER REPLIED, KONAM THAT I DO NOT GIVE YOU MORE THAN A SHEKEL —

1. At the beginning of the night women are still going about in the streets; at the end, before morning, they are abroad again.
2. Figuratively, of course. This shews that they did converse.
3. That are permitted.
4. [This parable serves to express the absence of reserve that may characterise the mutual and intimate relationship of husband and wife without offending the laws of chastity.]
5. Rashi (in Kid. 71a): they are distinguished in dress, being robed in white and turbaned; cf. passage a.l.: Shah. 25b.
6. V. supra.
7. Num. XV, 39.
8. Whilst cohabiting with one woman to think of another.
9. Ezek. XX, 38.
10. When a husband imposes himself upon his wife by force; Asheri reads: children of a maidservant (instead of); v. MGWJ 1934 p 136. n. 1.
11. A person under a ban was forbidden to cohabit.
12. Having intended to cohabit with one of his wives, he cohabited with another.
13. Not a hated wife, but one with whom he had just then quarrelled.
14. I.e., when her husband has decided to divorce her.
15. One who openly demands her conjugal rights.
16. Deut. I. 13.
17. Ibid. I, 15.
18. The Heb. is here taken to denote the highest degree of wisdom — but such could not be found.
19. Gen. XLIX, 14; cf. Gen. XXX. 16-18. The allusion is to the legend that Leah heard the braying of Jacob's ass, and so came out of the tent and said to Jacob, thou must come in unto me. She had thus demanded her conjugal rights.
20. I Chron. XII. 33; though such men were not to be found in the days of Moses. This was Leah's reward, thus proving that it is meritorious for a woman to demand her rights.
21. She may shew her desires, as did Leah, who merely invited Jacob into her tent, but not explicitly demand their gratification.
22. Lit., 'permitted'.
23. This is explained infra 27a.

Folio 21a

BOTH ARE AGREED UPON THREE DENARII.(1)

GEMARA. FOUR VOWS HAVE THE RABBIS INVALIDATED etc. R. Abba b. Memel said to R. Ammi: You have told us in the name of R. Judah Nesi'ah:(2) Which Tanna holds this view? — R. Judah, who said on the authority of R. Tarfon: Neither is a nazir, because neziroth must be expressed with certainty.(3) Raba said: You may even say, The Rabbis. Does the Mishnah teach, both [subsequently] agreed — it teaches, BOTH ARE AGREED.(4)

Rabina asked R. Ashi: If he demanded more than a se'ah, and the other offered less than a shekel(5) is it a [valid] vow, or still a matter of incitement?(6) — He replied. We have learnt this. If one was urging his neighbour to eat in his house, and he answered: 'Konam if I enter your house,' or 'if I drink a drop of cold water', he may enter his house and drink cold water, because he only meant eating and drinking in general.(7) But why? Did he not state, a drop of cold water? Hence this is the usual manner of speech.(8) Thus here too: this is the usual manner of speech!(9) — He said to him:

1. A sela' _ two shekels _ four denarii.
2. R. Judah, the Prince II.
3. 19b. Thus here too, in the case of the incentive vow, since the two parties are dependent upon another, the vow is invalid.
4. Thus, neither meant the vow seriously at all; but the conditional vow of neziroth was really meant.
5. [I.e., the vendor demanded a sela' and a perutah (v. Glos.) and the buyer offered a shekel minus a perutah (Ran).]
6. Since each was so exact, it may be that the sum was literally meant by both, and the vow likewise.
7. But did not intend his words literally.
8. For emphasis stating 'a drop of water', when in reality something substantial was meant.
9. For emphasis: but neither meant his words literally, hence the vow is invalid.

Nedarim 21b

How compare? In the case of cold water, 'the righteous promise little and perform much';(1) but here, It is really doubtful whether he [the vendor] implied that he would take less than a sela', and [the buyer] that he would give more than a shekel,(2) and it is [a vow of] incitement, or perhaps, each spoke literally, and it is a valid [vow]? This problem remains unsolved.

Rab Judah said in R. Assi's name: For these four vows [formal] absolution must be sought from a Sage. When I stated this before Samuel, he observed: The Tanna teaches, FOUR VOWS HAVE THE SAGES INVALIDATED,(3) yet you say. absolution must be sought from a Sage! R. Joseph reported this discussion in the following version: Rab Judah said in R. Assi's name: A Sage may remit only such [vows] as are similar to these four. Thus in his view mere regret is not given as an opening [for absolution].(4) A man once came before R. Huna [for absolution]. He asked him: 'Are you still of the same mind?' and he replied 'No!' Thereupon he absolved him. A man once came before Rabbah son of R. Huna, who asked him: 'Had ten men been present to appease you just then, would you have vowed?' On his replying 'No!' he absolved him. It was taught: R. Judah said: We ask him, 'Are you still of the same mind?' If he answers, No!' he is absolved. R. Ishmael son of R. Jose said on his father's authority: We say to him: 'Had ten men been present to appease you just then, would you have vowed?' If he replies in the negative, absolution is granted.

(Mnemonic: Assi and Eleazar, Johanan and Jannai).(5)

A man once came before R. Assi. He asked him: 'Do you now regret [that you ever vowed]?' and he replied, 'Do I not?' Thereupon he absolved him.(6) A man once came before R. Eleazar. He said to him, 'Do you desire your vow?'(7) 'He replied: 'Had I not been provoked, I certainly would not have desired aught.' 'Let it be as you wish,' answered he. A woman who had subjected her daughter to a vow(8) came before R. Johanan. Said he to her, 'Had you known that your neighbours would say of your daughter,

1. When the would-be host urged him to partake just a little, he understood that a full meal was intended, and therefore made the vow in the terms he did, meaning, however, to debar himself only from a substantial meal.
2. Both intending to compromise on three denarii.
3. I.e., they have no binding power at all.
4. A definite reason for absolution is necessary, based on a fact which was unknown when the vow was made; consequently, it may be regarded as having been made in error. But if the only reason for cancellation is that the vower regrets it, absolution cannot be granted, v. infra 77b.
5. A mnemonic is a short phrase or a string of words or letters each consisting of catchwords of statements or incidents, strung together as an aid to the memory.
6. (He holds that mere regret is accepted as ground for revoking a vow, contrary to the view of Rab Assi in the name of Rab Judah, the author of this ruling here being Rabbi Assi, a Palestinian Amora as distinct from the former, who was a Babylonian. (Ran).]

7. Ran: I.e., have you no regret that you ever made the vow except that you wish that it be no longer valid from now, in which case absolution cannot be granted. Rashi: 'Did you fully desire to vow, i.e., were you calm and composed, vowing with full deliberation' this seems more plausible.
8. Not to benefit from her mother.

Folio 22a

"If her mother had not seen something shameful(1) in her [behaviour], she would not have put her under a vow without cause" — would you have vowed?' On her replying in the negative, he absolved her. The grandson of R. Jannai the Elder(2) came before him Said he to him, 'Had you known that [when you vow] your ledger(3) is opened [in heaven] and your deeds examined — would you have vowed?' On his giving a negative reply, he absolved him R. Abba said: Which verse [teaches this]? After vows cometh examination.(4) But though R. Jannai proposed this as a ground for absolution, we may not do so.(5) Nor do we suggest the following, which Rabbah b. Bar Hanah related in R. Johanan's name: What opening did R. Gamaliel give to a certain old man? Thee is that speaketh like the piercings of a sword, but the tongue of the wise is health.(6) He who speaketh [a vow] is worthy of being pierced by the sword, but that the tongue of the wise [i.e., absolution] health. Nor do we suggest the following, viz., what was taught, R. Nathan said: One who vows is as though he built a high place,(7) and he who fulfils it is as though he sacrificed thereon. Now the first [half] may be given as an opening,(8) but as for the second, Abaye maintained: We suggest [it]; Raba said: We do not suggest [it]. This is the version of the discussion as recited by R. Kahana. R. Tabyomi reported it thus: We may not suggest the latter half;(9) but as for the first, — Abaye maintained: We suggest [it]; Raba said: We do not. The law is that neither the first [half] nor the second may be proposed.

Nor do we suggest the following dictum of Samuel, Viz., Even when one fulfils his vow he is called wicked. R. Abba said: Which verse [teaches this]? But if thou shalt forbear to vow, it shall be no sin in thee.(10) And [the meaning of] forbearance is learnt from forbearance as expressed elsewhere. Here it is written, But if thou shalt forbear to vow, and there it is written, There the wicked forbear from insolence.(11) R. Joseph said: We too have learnt so. [If one says:] 'As the vows of the righteous,' his words are of no effect. [But if he says:] 'As the vows of the wicked,' he has vowed in respect of a nazirite vow and a sacrifice.(12)

R. Samuel b. Nahmani said in the name of R. Jonathan: He who loses his temper is exposed to all the torments of Gehenna,(13) for it is written, Therefore remove anger from thy heart,' thus wilt thou put away evil from thy flesh.(14) Now 'evil' can only mean Gehenna, as it is written, The Lord hath made all things for himself yea, even the wicked for the day of evil.(15) Moreover, he is made to suffer from abdominal troubles, as it is written, But the Lord shall give thee there a trembling heart, and failing of eyes, and sorrow of mind.(16) Now what causes failing eyes and a sorrowful mind? Abdominal troubles.

When 'Ulla went up to Palestine,(17) he was joined by two inhabitants of Hozai,(18) one of whom arose and slew the other. The murderer asked of 'Ulla: 'Did I do well?' 'Yes,' he replied; 'moreover, cut his throat clean across.'(19) When he came before R. Johanan, he asked him, 'Maybe, God forbid, I have strengthened the hands of transgressors?' He replied, 'You have saved your life.'(20) Then R. Johanan wondered: The Lord shall give them there an infuriated heart(21) refers to Babylon?(22) 'Ulla replied, 'We had not yet

1. Lit., 'something best left alone'.
2. Lit., 'the son of the daughter'. Var. lec.: Jannai Rabbah, the Great. He was a Palestinian amora of the first generation (second and third generation); to be distinguished from Jannai the Younger, a Palestinian amora of the fourth generation.

3. The notion that there is a Heavenly ledger in which man's doings are recorded (cf. Aboth, III, 20) is probably connected with the idea of the Book of Life, in which are inscribed on the Judgment Day of New Year those who are to be granted life for the ensuing year (cf R.H. 15b). The Sefer Hasidim (13th century) observes that God is in no need of a book of records: 'the Torah speaks the language of man', i.e., figuratively. Cf Aboth, (Sonc. ed.) p. 12, n. 9.
4. Prov. XX, 25.
5. Because it terrifies one too much, and makes him ready to express a regret which he may not feel.
6. Ibid. XII, 18.
7. For sacrifice — this being forbidden since the building of Solomon's Temple.
8. Merely building a high place without sacrificing is not so heinous all offence, and therefore the suggestion is not so terrifying.
9. All agreeing that it is too frightening.
10. Deut. XXIII, 23.
11. Job III, 17. Thus forbearing being employed of the wicked in the latter verse, its use in the former shews that he who vows is also so dubbed.
12. Supra 9a.
13. V. p. 19, n. 6.
14. Ecc. XI, 10.
15. Prov. XVI, 4. This is understood to mean Gehenna.
16. Deut. XXVIII, 65.
17. 'Ulla was a Prominent Palestinian amora of the latter part of the third century and the beginning of the fourth. He frequently visited Babylonia, in pursuance of the general policy of maintaining intellectual intercourse between these two great centres, and his learning was very highly esteemed there; Bacher, Ag. Bab. Amor. pp. 93-97.
18. [Or Be'Hozae, the modern Khuzistan, province S.W. Persia, Obermeyer, Die Landschaft Babylonien, pp. 204ff.]
19. Fearing that disapproval would endanger his own life; moreover, he wished to hasten his death.
20. The action was excusable, being in self-defence.
21. Ibid.
22. How then could one Jew become so angry with another in Palestine as to slay him?

crossed the Jordan [into Palestine].'

Rabbah son of R. Huna said: He who loses his temper, even the Divine Presence is unimportant in his eyes, as it is written, The wicked, through the pride of his countenance, will not seek God,' God is not in all his thoughts.(1) R. Jeremiah of Difti(2) said: He forgets his learning and waxes ever more stupid, as it is written, For anger resteth in the bosom of fools;(3) and it is written, But the fool layeth open his folly.(4) R. Nahman b. Isaac said: It is certain that his sins out number his merits, as it is written, And a furious man aboundeth in transgressions.(5)

R. Adda son of R. Hanina said: Had not Israel sinned, only the Pentateuch and the Book of Joshua would have been given them, [the latter] because it records the disposition of Palestine [among the tribes].(6) Whence is this known? For much wisdom proceedeth from much anger.(7)

R. Assi said: Absolution is not granted for(8) [a vow in the name of] the God of Israel, except [the following]: 'Konam be any benefit [by the God of Israel] my wife has of me, because she stole my purse or beat my child'; and it was subsequently learnt that she had done neither.(9)

A woman once came before R. Assi. He asked her, 'How did you vow?' She replied, 'By the God of Israel.' Said he to her, 'Had you vowed by mohi, which is a mere substitute,(10) I would absolve you. Now that you did not vow by mohi, but by the God of Israel, I will not absolve you.

R. Kahana visited(11) R. Joseph's home. The latter said to him, 'Eat something'; to which he replied, 'No, by the Master of all, I will not taste anything.' R. Joseph answered, 'No, by the Master of all, you may not eat.' Now R. Kahana rightly said, 'No, by the Master of all, etc.' [to strengthen his vow]; but why did R. Joseph repeat this? — This is what he said: 'Since you have said, "No, by the Master of all", you may not eat.'(12)

Raba said in R. Nahman's name: The law is: Regret may be made an opening [for absolution], and absolution is granted for [a vow made in the name of] the God of Israel.

Raba was praising R. Sehorah to R. Nahman as a great man. Thereupon N. Nahman said: 'When he comes to you, bring him to me.' Now he [R. Sehorah] had a vow for absolution, so he went before R. Nahman, who asked him: 'Did you vow bearing this(13) in mind?' 'Yes,' he replied. 'Or this?' 'Yes.' This being repeated a number of times, R. Nahman became angry and exclaimed, 'Go to your room!'(14) R. Sehorah departed, and found an opening for himself: Rabbi said: Which is the right course that man should choose for himself? That which he feels to be honourable to himself, and brings him honour from mankind.(15) But now, since R. Nahman has become angry, I did not vow on this understanding. He thus absolved himself.

R. Simeon son of Rabbi had a vow for absolution. He went before the Rabbis, who asked him, 'Did you vow bearing this in mind?' He replied, 'Yes.' 'Or this?' 'Yes.' [This was repeated] several times,

1. Ps. X, 4.
2. V. p. 214, n. 2.

3. Ecc. VII, 9.
4. Prov. XIII, 26.
5. Prov. XXIX, 22.
6. But the other books, consisting mostly of the rebukings of the prophets, would have been unnecessary.
7. Ecc. I, 18; i.e., the anger of God caused Him to send many prophets with their wise teachings. — We learn through error, and sin becomes the occasion of a fuller Revelation by God.
8. Lit., 'no (request for absolution) is attended to in the case of'.
9. [This exception is made for the sake of restoring peace in the home.]
10. V. Mishnah, supra 10a.
11. Lit., 'happened (to be) at'.
12. I.e., Even if you desire, because one cannot be absolved from such an oath.
13. Some fact mentioned.
14. I cannot absolve you.
15. V. Aboth II. 2 (Sonc. ed.) p. 12, n. 2 and 5.

Folio 23a

and the Rabbis passed wearily to and fro 'twixt sun and shade.(1) Said Botnith, the son of Abba Saul b. Botnith, to him, 'Did you vow in order that the Rabbis should thus wearily pass from sun to shade and from shade to sun?' 'No,' replied he. Thereupon they absolved him.

R. Ishmael son of R. Jose had a vow for absolution. He went before the Rabbis, who asked him, 'Did you vow bearing this in mind?' 'Even so,' replied he. 'Or this?' 'Yes.' This was repeated several times. A fuller, seeing that he was paining the Rabbis, smote him with his basket.(2) Said he, 'I did not vow to be beaten by a fuller,' and so he absolved himself. R. Aha of Difti objected to Rabina: But this was an unexpected fact, as it had not occurred to him that a fuller would smite him, and we learnt: An unexpected fact may not be given as an opening?(3) — He replied: This is not unexpected, because scoffers(4) are common who vex the Rabbis.(5)

Abaye's wife had a daughter. He declared, '[She must marry] one of my relations,' and she maintained, 'one of mine'. So he said to her: '[All] benefit from me be forbidden to you if you disregard my wish and marry her to one of your relations.' She went, ignored his desire, and married her to her relation. [Subsequently Abaye] went before R. Joseph [for absolution], who asked him: 'Had you known that she would disregard your wish and marry her to her relation, would you have vowed?' He answered, 'No,' and R. Joseph absolved him. But is such permitted?(6) — Yes, and it was taught: A man once imposed a vow on his wife not to make the festival pilgrimage [to Jerusalem]; but she disregarded his wish, and did go. He went to R. Jose [for absolution], who said to him, 'Had you known that she would disregard your wish and make the journey, would you have imposed the vow on her?' He answered, 'No,' and R. Jose absolved him.

MISHNAH. R. ELIEZER B. JACOB SAID: ALSO HE(7) WHO WISHES TO SUBJECT HIS FRIEND TO A VOW TO EAT WITH HIM, SHOULD DECLARE: 'EVERY VOW WHICH I MAY MAKE IN THE FUTURE SHALL BE NULL'. [HIS VOWS ARE THEN INVALID,] PROVIDING THAT HE REMEMBERS THIS AT THE TIME OF THE VOW.

GEMARA. But since he says, 'Every vow which I may make in the future shall be null,' he will surely not listen to him(8) and not come to [eat with] him? —

1. In an endeavour to find grounds for absolution.
2. The Rabbis appear to have held open session.
3. V. infra 64a. The tact must have been in existence, when the vow was made, but overlooked. If, however, it occurred only subsequently, it cannot be a ground for absolution.
4. Apikora (pakar) etymologically should mean a loose, unbridled person. Its phonetic similarity phonetic similarity to Epicurus, the philosopher, stamped it with the meaning of sceptic, heretic, and that is its probable meaning in Sanh. XI, 2, where an apikoros is excluded from the world to come. The definition given in the Gemara, 99b, viz., one who is scornful of the Rabbis, which is the same as it bears here, was in all probability an extension of its meaning, due to feuds between the Rabbis and some sections of the people.

5. And as their adherents naturally try to punish them, the incident could have been anticipated, and therefore is not regarded as unexpected
6. The vow itself providing cause for absolution.
7. The friend.
8. This too is an example of a vow of incitement, v. Gemara.

Nedarim 23b

The text is defective, and this is what was taught: He who desires his friend to eat with him, after urging him, imposes a vow upon him, it is 'a vow of incitement [and hence invalid]. And he who desires that none of his vows made during the year shall be valid, let him stand at the beginning of the year and declare, 'Every vow which I may make in the future shall be null.(1) [HIS VOWS ARE THEN INVALID,] PROVIDING THAT HE REMEMBERS THIS AT THE TIME OF THE VOW. But if he remembers, he has cancelled the declaration and confirmed the vow?(2) — Abaye answered: Read: providing that it is not remembered at the time of the vow. Raba said, After all, it is as we said originally.(3) Here the circumstances are e.g., that one stipulated at the beginning of the year, but does not know in reference to what. Now he vows. Hence, if he remembers [the stipulation] and he declares: 'I vow in accordance with my original intention', his vow has no reality. But if he does not declare thus, he has cancelled his stipulation and confirmed his vow.

R. Huna b. Hinena wished to lecture thereon [sc. anticipatory cancellation] at the public session. But Raba remonstrated with him: The Tanna has intentionally obscured the law,(4) in order that vows should not be lightly treated, whilst you desire to teach it publicly!

The scholars propounded: Do the Rabbis disagree with R. Eliezer b. Jacob or not?(5) And should you say that they differ, is the halachah like him or not?(6) — Come and hear: For we learnt: If one says to his neighbour,

1. This may have provided a support for the custom of reciting Kol Nidre (a formula for dispensation of vows) prior to the Evening Service of the Day of Atonement (Ran.). The context makes it perfectly obvious that only vows, where the maker abjures benefit from aught. or imposes an interdict of his own property upon his neighbour, are referred to. V. J.E. s.v. Kol Nidre. Though the beginning of the year (New Year) is mentioned here, the Day of Atonement was probably chosen on account of its great solemnity. But Kol Nidre as part of the ritual is later than the Talmud, and, as seen from the following statement about R. Huna h. Hinena, the law of revocation in advance was not made public.
2. Since, when vowing. he knows of his previous declaration, he obviously disregards it. as otherwise he would not vow at all.
3. The received text is correct.
4. By giving a defective text. This implies that here, at least, the lacuna is not accidental, due to faulty transmission, but deliberate; cf. p. 2, n. 3.
5. But regard this as a binding vow.
6. Since the Mishnah teaches it as an individual opinion.

Folio 24a

'Konam that I do not benefit from your if you do not accept for your son a kor of wheat and two barrels of wine,' — his neighbour may annul his vow without [recourse to] a Sage, by saying: 'Did you vow for any other purpose but to honour me? This [nonacceptance] is my honour.' Thus, it is only because he asserts, 'This is my honour'; but otherwise, it is [a binding] vow. Whose view is this? If R. Eliezer b. Jacob's, — it is a vow of incitement?(1) Hence it must be the Rabbis,(2) thus proving that they disagree with R. Eliezer! — [No.] After all, it may be R. Eliezer b. Jacob's view: he admits that this is a [real] vow, for he [who makes it] says [in effect], 'I am not a dog, that I should benefit from you without your benefiting from me.'

Come and hear: If one says to his neighbour, 'Konam that you benefit not from me, if you do not give my son a kor of wheat and two barrels of wine,' — R. Meir rules: He is [so] forbidden until he gives; but the Rabbis maintain: He too can annul his vow without a Sage by declaring: 'I regard it as though I have received it.' Thus, it is only because he says, 'I regard it as though I have received it'; but otherwise it is [a valid] vow. Whose view is this? If R. Eliezer b. Jacob's, — but it is a vow of incitement. Hence it must be the Rabbis'; thus proving that they disagree with him! — [No.] Verily, it may be R. Eliezer b. Jacob's view: he admits that this is a [real] vow, for he [who makes it] says, 'I am not a king to benefit you without your benefiting me.'

Mar Kashisha son of R. Hisda said to R. Ashi, Come and hear: VOWS [BROKEN] UNDER PRESSURE: If one subjected his neighbour to a vow to dine with him,(3) and then he or his son fell sick, or a river prevented him [from coming to him]. But otherwise the vow is binding. Whose view is this? If R. Eliezer b. Jacob's, — but it is [a vow of] incitement. Hence it must be the Rabbis', which proves that they disagree with him! — [No.] This may be R. Eliezer b. Jacob's view. Do you think that the inviter imposed the vow upon the invited? On the contrary, the invited imposed the vow upon the inviter. Thus: He said to his neighbour, 'Do you invite me to your banquet?' 'Yes,' replied he. 'Then make a vow to that effect.' So he vowed, and then he [the person invited] or his son fell sick, or was kept back by a river; such are vows [broken] under pressure.

Come and hear: R. Eliezer b. Jacob went even further [in his definition of vows of incitement]: If one says to his neighbour, 'konam that I do not benefit from you if you will not be my guest and partake of fresh bread and a hot drink with me'; and the latter remonstrated in his turn — such too are vows of incitement.(4) But the Sages did not admit this. Now, to what does this disagreement refer? Surely,

1. Which is invalid in any case.
2. The text is thus emended by BaH.
3. Saying, 'You are forbidden to benefit from me if you do not eat with me'.
4. [Although the fact that the invitation was so carefully worded, and that the other remonstrated would tend to indicate that the vower was in earnest.]

even to the first [illustration given by R. Eliezer b. Jacob]! This proves that the Rabbis dispute his ruling [in its entirety]. This proves it.(1) What is our final conclusion on the matter?(2) — Come and hear: For R. Huna said: The halachah is like R. Eliezer b. Jacob.(3)

MISHNAH. VOWS OF EXAGGERATION: WHEN ONE SAYS, 'KONAM IF I DID NOT SEE ON THIS ROAD AS MANY AS DEPARTED FROM EGYPT, OR 'IF I DID NOT SEE A SERPENT LIKE THE BEAM OF AN OLIVE PRESS.

GEMARA. It was taught: Vows of exaggeration are invalid, but oaths of such a nature are binding. How are such oaths possible? Shall we say that one said. 'I swear [so and so] if I have not seen etc.' — he said nothing!(4) — Abaye answered: When one declares, 'I swear that I did see' etc.(5) Raba objected: If so, why teach it?(6) Moreover, it is taught parallel to vows!(7) But, said Raba: When one says, 'May [all] the fruit in the world be forbidden me on oath if I did not see on this road as many as departed from Egypt.' Rabina said to R. Ashi: Perhaps this man saw an ant nest and designated them(8) 'those who left Egypt's his oath thus being genuine? —

1. So cur. edd. Asheri: No. The disagreement refers only to the latter example. Accordingly, the next question: what is our final conclusion, still refers to the same problem, whether the Rabbis disagree or not.
2. Having proved that they disagree, whose view is law? V. preceding note.
3. Ran: The answerer knew that R. Huna referred to the first too, or assumed that he would be referring to the Mishnah, which was well known by all, rather than the Baraitha, which was not so well known. Alternatively, the whole point of the question whether the Rabbis disagree is to know the correct halachah, for since they are in the majority it may not be as R. Eliezer b. Jacob. Now, however, that R. Huna gave his ruling that the halachah is as R. Eliezer b. Jacob in the whole matter, it makes no difference whether the Rabbis disagree with him or not.
4. He did not complete his sentence.
5. It is then not regarded as an intentionally false oath, meriting punishment, but as an oath of exaggeration.
6. It is obvious.
7. Just as vows seek to impose an interdict, so do these oaths too.
8. On account of their large number.

Folio 25a

He replied. One who swears, swears in our sense, and we do not think of an ant nest. Now, does one never swear in his own sense? But it was taught: When an oath is administered, he [the man swearing] is admonished: 'Know that we do not adjure you according to your own mind, but according to our mind(1) and the mind of the Court.' Now, what does this exclude? Surely the case of one who gave [his creditor] checkers [tokens in game] and [mentally] dubbed them coins; and since he is admonished, 'according to our intention,' it follows that [otherwise] one may swear in his own sense? — No. It excludes such an incident as Raba's cane. A man with a monetary claim upon his neighbour once came before Raba, demanding of the debtor, 'Come and pay me.' 'I have repaid you,' pleaded he. 'If so,' said Raba to him, 'go and swear to him that you have repaid.' Thereupon he went and brought a [hollow] cane, placed the money therein, and came before the Court, walking and leaning on it. [Before swearing] he said to the plaintiff: 'Hold the cane in your hand'. He then took a scroll of the Law and swore that he had repaid him all that he [the creditor] held in his hand.(2) The creditor thereupon broke the cane in his rage and the money poured out on the ground; it was thus seen that he had [literally] sworn to the truth.(3)

But even so, does one never swear in his own sense? But it was taught: Thus we find that when Moses adjured the children of Israel in the plains of Moab, he said unto them, 'Know that I do not adjure you in your sense, but in mine, and in that of the Omnipresent', as it is written, Neither with you only etc.(4) Now what did Moses say to Israel? Surely this: Lest you transgress my words(5) and then say. 'We swore in our own sense'; therefore he exhorted them: [swear] in my sense. What does this exclude: surely the naming of idols 'god'? This proves that one does sometimes swear in his own sense. — No. Idols too are called 'god', as it is written, And against all the gods of Egypt I will execute judgment.(6) Then let him adjure then, to fulfil the commands? — That might imply the commands of the King. Then let him adjure then, to fulfil all the commands? — That might imply [the precept of] fringes,(7) for a Master said, The precept of fringes is equal to all the [other] precepts of the Torah.(8) But why did not Moses simply adjure the Israelites to fulfil the Torah?(9) — Because that would imply one Torah only.(10) Then why not adjure then, to fulfil the Toroth?(11) — That might mean the Torah of the meal-offering, the Torah of the sin-offering, the Torah of the trespass-offering.(12) Then why not impose an oath to fulfil the whole Torah? — The whole Torah might mean merely to refrain from idolatry, as it was taught: Idolatry is so grave a sin that the rejection thereof is as the fulfilment of the whole Torah. Then why not impose an oath to observe the prohibition against idolatry and the whole Torah; or to fulfil the six hundred thirteen precepts? — Moses used a general expression without troubling [to enumerate details].(13)

OR IF I DID NOT SEE A SERPENT LIKE THE BEAMS OF AN OLIVE-PRESS. Is this impossible? Was there not a serpent in the days of King Shapur(14) before which thirteen stables of straw were laced, and it swallowed then, all?(15) — Samuel answered: He meant 'as smooth as a bean, etc.' But are not all serpents smooth? — We speak [of one who declared that] its back was smooth [not on]y the neck].(16) Then let him [the Tanna] state 'smooth'? — He thereby informs us in passing that the beams of the olive-press must be smooth. How does this affect the law? — In respect of buying and selling: to tell you that if one sells the beams of an olive-press. the sale is valid only if they are smooth, but not otherwise.(17)

1. [In Shebu. 29b. the reading is 'the mind of the Omnipresent'.]
2. In his (the debtor's) possession i.e., all that he claimed of him.
3. Hence the exhortation is needed to exclude such oaths, as the defendant may really believe that be is swearing truly. But no person regards his oath as true when he mentally attaches a particular meaning to his words.
4. Deut. XXIX, 13; i.e., not merely according to your thoughts.
5. [So BaH. cur. edd. 'lest you do something'.]
6. Ex. XII, 12.
7. Num. XV, 38.
8. Because it is written, and it shall be unto you for a fringe, that ye may look upon it, and remember all the commandments of the Lord. Ibid. 39.
9. Instead of imposing an oath against idol worship, which, as shewn, is ambiguous.
10. The written Law, but not the Oral law. The former is the Bible, more especially the Pentateuch, while the latter is the whole body of tradition and Rabbinical development thereof. It is generally assumed that the Oral Law was the matter In dispute between the Pharisees, who accepted it, and the Sadducees, who rejected it. Weiss, Dor, I, 116 seq.; Halevy, Doroth, I, 3, 360 seq. denies this ii to, and maintains that the Sadducees were purely a political party that rejected religious teaching altogether, and only later, through force of circumstances, attempted some interpretation of Scripture.
11. Pl. of Torah.
12. Each of which is referred to a 'torah': Lev. VI, 7, 18; VII, 1.
13. The text of the whole passage is in some disorder, the translation is of the text as emended by BaH; for further notes v. Shebu. (Sonc. ed.) pp. 159ff.
14. Shapur I, a contemporary of Samuel and King of Persia.
15. This question assumes that the comparison is in point of size. — Aruch reads: thirteen hides full of straw'. Rashi in Shebu. 29b explains that it was a man-eating serpent. hot coals were concealed in the straw, and these killed it. [This is reminiscent of the Apocryphal story of Daniel and the Dragon]
16. The backs of serpents are not smooth but somewhat scaly, caused by hard folds of skin, v. Lewysohn, Zoologie, p. 234.
17. A number of other interpretations have been given to the whole passage. Rashi translates: spotted like a beam. Ran: incised like a beam; and an alternative, based on the Jerusalemi: square like a beam, instead of circular. Asheri inclines to the last interpretation.

Nedarim 25b

MISHNAH. VOWS IN ERROR: [IF ONE SAYS, 'KONAM,] IF I ATE OR DRANK, AND THEN REMEMBERED THAT HE HAD; OR, 'IF I EAT OR DRINK,' AND THEN FORGOT [HIS VOW] AND ATE OR DRANK; [OR] 'KONAM BE ANY BENEFIT WHICH MY WIFE HAS OF ME, BECAUSE SHE STOLE MY PURSE OR BEAT MY CHILD, AND IT WAS SUBSEQUENTLY LEARNT THAT SHE HAD NOT BEATEN HIM NOR STOLEN; ALL THESE ARE VOWS IN ERROR. IF A MAN SAW PEOPLE EATING [HIS] FIGS AND SAID TO THEM, LET THE FIGS BE A KORBAN TO YOU,' AND THEN DISCOVERED THEM TO BE HIS FATHER OR HIS BROTHERS,(1) WHILE OTHERS WERE WITH THEM TOO — BETH SHAMMAI MAINTAIN: HIS FATHER AND BROTHERS ARE PERMITTED, BUT THE REST ARE FORBIDDEN. BETH HILLEL RULE: ALL ARE PERMITTED.

GEMARA. It was taught: Just as vows in error are permitted, so are oaths in error.(2) What are oaths in error? — E.g., those of R. Kahana and R. Assi. One said, I swear that Rab taught this, whilst the other asserted, I swear that he taught this: thus each swore truthfully according to his belief.

IF A MAN SAW PEOPLE EATING [HIS] FIGS. We learnt elsewhere: The Sabbaths and festivals are suggested as an opening [for regret].(3) Before then the ruling was that for those day's the vow is canceled, but for others it is binding; until R. Akiba taught: A vow which is partially annulled is entirely annulled.

Rabbah said: All agree that if he said, 'Had I known that my father was among you I would have declared, "You are all forbidden except my father",' all are forbidden but his father is permitted. They differ only if he asserted, 'Had I known that my father was among you. I would have said, "So-and-so are forbidden and my father is permitted".'(4)

1. Whom he would not have prohibited.
2. V. Shebu. 28b.
3. E.g., if one made a self-denying vow, the Rabbi may ask him, 'Had you known that this is forbidden on Sabbaths and Festivals, would you have vowed?' Should he answer 'No', he is absolved.
4. In the former instance, the second declaration, apart from excluding his father, does not alter the vow at all, since just as he first vowed 'you are all forbidden', so now too. Therefore it is not regarded as even partially annulled. But in the second case, the actual form of the vow is changed from the inclusive you are all forbidden' to the detailed enumeration 'So-and-so are forbidden', even if the enumeration covered all. Because of these two factors, viz., the exclusion of his father and the change in form in respect to the rest, it is regarded as partially annulled. Thus the view of Beth Hillel is in accordance with R. Akiba's dictum, whilst Beth Shammai's decision agrees with the earlier ruling. In many cases we find Beth Shammai adhering to the older view; cf. Weiss, Dor, I, 183.

Folio 26a

But Raba maintained: All agree that if he declared, 'Had I known that my father was among you I would have said, "So-and-so are forbidden but my father is permitted",' all are permitted.(1) They are in dispute only if he declared, 'Had I known that my father was among you, I would have said, "You are all forbidden except my father".' Beth Shammai agree with R. Meir, who maintains, one's first words are to be reckoned with, and Beth Hillel agree with R. Jose who said, one's last words count.(2)

R. Papa objected to Raba: In what instance did R. Akiba rule that a vow which is partially annulled is entirely annulled? E.g., [If one said.] 'Konam, that I do not benefit from any of you,' if one was [subsequently] permitted [to afford him benefit], they are all permitted. [But if he said,] 'Konam that I do not benefit from A, B, C,' etc.: if the first was [subsequently] permitted, all are permitted; but if the last-named was permitted, he alone is permitted, but the rest are forbidden. As for Rabbah, it is well, [for] he can apply the first clause(3) to one who [in the first instance] enumerated A, B, C, etc.;(4) while the second clause(5) refers to one who [in the first instance] declared, 'to any of you.'(6) But as for yourself: granted that you can apply the first clause to one who [in his second statement] declared, 'to any of you.'(7)

1. Even Beth Shammai regard such as a partially annulled vow, and accept R. Akiba's dictum.
2. The dispute refers to his second declaration, which is divided into 'first words' and 'last words'. The first words are, 'you are all forbidden'; since these are identical with his earlier declaration, Beth Shammai maintain that his vow has not even been partially annulled. His last words are 'except my father', since these definitely limit the scope of the earlier declaration, Beth Hillel maintain that the vow has thereby been partially, and consequently entirely, annulled.
3. Viz., 'konam that I do not benefit from all of you'.
4. Subsequently altering it to the form given in the Mishnah.
5. 'Konam that I do not benefit from A, B, C', etc.
6. Hence the actual forms given refer to the second declaration. Now, Rabbah maintains that the dispute of Beth Hillel and Beth Shammai, as that of R. Akiba and his predecessors, refers to a case where the second declaration, besides excluding a particular person, differs in form from the first. Hence in the two instances dealt with here it is the view only of R. Akiba (and Beth Hillel) that that absolution extends to all; but his predecessors hold that even in these instances absolution is limited to the person definitely excluded. This explanation does not allow for the distinction drawn in the two subdivisions of the second clause, and Raba draws attention to it in his reply. — A number of varying interpretations have been given in this passage. The one adopted here is that of Tosaf.
7. Hence, as explained by Raba above, this ruling is disputed by R. Akiba's predecessors; therefore it is given as an illustration of R. Akiba's view on), implying that his predecessors disagree.

Nedarim 26b

But as for the second clause, where one enumerated, A, B, C — is this R. Akiba's view [only]: why do the Rabbis disagree therewith? But you say that all agree that the vow is entirely annulled? — Raba answered: Even according to Rabbah, is R. Akiba's ruling satisfactory? How have you explained it: that he said, 'any of you': who then is the 'first', and who is the 'last'? But [explain it thus]: The first clause means that he said, 'any of you'; but the second refers e.g., to one who made each dependent on the preceding, vowing, B be as A, C be as B, etc.(1) This may be proved too, for it is taught: if the middle person was permitted, those mentioned after him are [also] permitted, but not those named before.

R. Adda b. Ahaba objected to Raba: 'Konam, if I taste onions, because they are injurious to the heart': then one said to him, But the wild onion(2) is good for the heart — he is permitted to partake of wild onions, and not only of these, but of all onions. Such a case happened before R. Meir, who gave absolution in respect of all onions. Does it not mean that he declared, 'Had I known that wild onions are good for the heart, I would have vowed: "all onions be forbidden me, but wild onions be permitted"'?(3) — No. This refers to one who declared, 'Had I known that wild onions are good for the heart, I would have vowed, "Such and such onions be forbidden me, but wild onions be permitted"'; and therefore R. Meir's ruling agrees with both R. Akiba and the Rabbis.

Rabina objected to Raba: R. Nathan said: A vow may be partly permitted and partly binding. E.g., if one vowed not to eat a basket [of figs],

1. Therefore if by his second statement A is excluded, the rest are likewise excluded. But if the last-named is excluded, the vow remains in full force with respect to those mentioned earlier.
2. Rashi: the name of a place — probably Cyprus.
3. This contradicts Raba's view that Beth Shammai's ruling, confining absolution only to that explicitly excluded, is in agreement with R. Meir. Here we see that R. Meir himself granted complete absolution.

among which were shuah(1) figs, and then declared, 'Had I known that shuali figs were among them, I would not have vowed' — the basket of figs is forbidden, but the shuah figs are permitted. Then R. Akiba came and taught: A vow which is partially annulled is entirely annulled. Does it not mean that he declared, 'Had I known that shuah figs were among them, I would have vowed: "The black figs and white figs be forbidden, but the shuah figs be permitted"?' Yet it is R. Akiba's view only, but the Rabbis dispute it.(2) — No. This refers to one who declared, 'Had I known that shuah figs were among them, I would have vowed, "Let the whole basket [of figs] be forbidden, but the shuah figs permitted."'

Which Tanna is the authority for the following dictum of the Rabbis? If one vowed simultaneously not to benefit from five men, if he is absolved in respect of one of them, he is absolved in respect of all; but [if he stated,] 'Except one of them,' that one is permitted, but the others are forbidden [to him]. According to Rabbah, the first clause agrees with R. Akiba [only], and the second clause with all.(3) According to Raba, the second clause agrees with the Rabbis [only], and the first clause with all.

MISHNAH. VOWS [BROKEN] UNDER PRESSURE: IF ONE SUBJECTED HIS NEIGHBOUR TO A VOW, TO DINE WITH HIM,(4) AND THEN HE OR HIS SON FELL SICK, OR A RIVER PREVENTED HIM [FROM COMING TO HIM] — SUCH IS A VOW [BROKEN] UNDER PRESSURE.

GEMARA. A man once deposited his rights(5) at Beth din, and declared: 'If I do not appear within thirty days, these rights shall be void.' Subsequently he was unavoidably prevented from appearing. Thereupon R. Huna ruled: His rights are void. But Rabbah said to him, He was unavoidably prevented, and the Divine Law exempts such, for it is written, But unto the damsel shalt thou do nothing.(6) And should you answer, the death penalty is different,(7) but we learnt: VOWS [BROKEN] UNDER PRESSURE; IF ONE SUBJECTED HIS NEIGHBOUR TO A VOW TO DINE WITH HIM, AND THEN HE OR HIS SON FELL SICK, OR A RIVER PREVENTED HIM [FROM COMING TO HIM] — SUCH IS A VOW [BROKEN] UNDER PRESSURE!(8)

Now, according to Rabbah, wherein does this differ from what We learnt: [If one said to his wife,] 'Behold! this is thy divorce, [to be effective] from now, if I do not come back within twelve months', and he died within the twelve months, the divorce is valid?(9) Yet why so? was he not forcibly prevented! — I will tell you. There it may be different,

1. A species of white figs.
2. This contradicts Raba's view that in such a case there is no dispute.
3. In the first clause it is assumed that his partially revoking statement was, 'Had I known that X was in the group, I would have said, "A, B, C, etc. be forbidden, but X be permitted".' This assumption is based on the contrast with the second clause, where one was excluded, from which it is assumed that his revoking statement was, 'Had I known … I would have declared, "All of you be forbidden etc."'
4. Saying, 'You are forbidden to benefit from me if you do not eat with me'.
5. A document embodying his rights (Tosaf.).

6. Deut. XXII, 26. This refers to a betrothed maiden who was violated against her will; but if she was a consenting party, she was punished with death.
7. Because of its gravity.
8. Proving that such exemption holds good in all cases.
9. And if she is childless she is free from Levirate marriage or the ceremony of loosening the 'shoe (v. Deut XXV, 5. seq.), because she is not the deceased's widow.

because had he known that he would die, he would have decided and given the divorce so as to take effect immediately.(1) And how does it differ from the case of the man who declared, 'If I do not come within thirty days from now, let it be a divorce. 'He came [on the last day], but was cut off through [the lack of] a ferry. [Yet though] he cried out, 'See! I have come; see! I have come!' Samuel ruled, That is not called coming.(2) But why: surely he was unavoidably prevented? — Perhaps an accident that can be foreseen is different, and [the lack of] a ferry could be foreseen.(3)

Now according to R. Huna, let us see; It is an asmakta,(4) and an asmakta gives no title?(5) — Here it is different, because he had deposited his rights.(6) And where they are deposited, is it not an asmakta? But we learnt: If one repaid a portion of his debt, and then placed the bond in the hands of a third party, and declared, 'If I do not repay [the balance] within thirty days, return the bill to the creditor,'(7) and the time came and he did not repay, R. Jose maintained: He [the third party] must surrender the bond to the [creditor]; R. Judah maintained: He must not surrender it. And R. Nahman said in the name of Rabbah b. Abbahu in Rab's name: The halachah is not as R. Jose, who ruled that an asmakta gives a legal claim.(8) — Here it is different, because he had declared, 'These rights shall be void.'(9) Now the law is: an asmakta does give a legal claim, providing that no unavoidable accident supervened and that a formal acquisition was made(10) at an authoritative Beth din.(11)

MISHNAH. ONE MAY VOW TO MURDERERS,(12) ROBBERS,(13) AND PUBLICANS THAT IT [THE PRODUCE WHICH THEY DEMAND] IS TERUMAH, EVEN IF IT IS NOT,(14) OR THAT IT BELONGS TO THE ROYAL HOUSE, EVEN IF IT DOES NOT. BETH SHAMMAI MAINTAIN: ONE MAY MAKE ANY FORM OF VOW,

1. So that the result would be the same.
2. Because he had stipulated to come at a particular time.
3. But the Mishnah refers to a river abnormally swollen by the rains and inciting snow.
4. V. Glos.
5. I.e., gives the claimant no rights, because it is presumed that such a promise was not meant seriously, but made only in order to give the transaction the character of good faith and solemnity.
6. Not merely promised them.
7. Who will thus be able to demand the full sum.
8. V. B.B. (Sonc. ed.) p. 734.
9. This is a stronger declaration than e.g., 'I will not claim my rights'; hence it is valid.
10. The conceding party formally ceded his rights. This was symbolically effected by one giving an article, e.g., a scarf, to the other.
11. Rash and Maim.: an ordained Beth din; Ran: a Beth din with the power to enforce its decisions.

12. I.e., robbers who kill if their demands are not granted.
13. Rashi, Ran, Rosh and Tosaf. all interpret this as private robbers. Jast.: official oppressors. These are less desperate than murderers, and do not kill if their demands are refused.
14. This vow is to save it from their hands, as terumah is forbidden to a zar, q.v. Glos. — It is remarkable that even murderers and robbers are assumed to respect the prohibition of terumah!

Folio 28a

EXCEPTING THAT SUSTAINED BY AN OATH;(1) BUT BETH HILLEL MAINTAIN: EVEN SUCH ARE PERMISSIBLE.(2) BETH SHAMMAI RULE: HE MUST NOT VOLUNTEER TO VOW;(3) BETH HILLEL RULE: HE MAY DO SO. BETH SHAMMAI SAY: [HE MAY VOW] ONLY AS FAR AS HE [THE MURDERER, ETC.] MAKES HIM VOW; BETH HILLEL SAY: EVEN IN RESPECT OF WHAT HE DOES NOT MAKE HIM VOW. E.G., IF HE [THE ROBBER] SAID TO HIM, SAY: KONAM BE ANY BENEFIT MY WIFE HAS OF ME'; AND HE DECLARED, 'KONAM BE ANY BENEFIT MY WIFE AND CHILDREN HAVE OF ME,' — BETH SHAMMAI RULE: HIS WIFE IS PERMITTED, BUT HIS CHILDREN ARE FORBIDDEN; BETH HILLEL RULE: BOTH ARE PERMITTED.

GEMARA. But Samuel said, The law of the country is law?(4) — R. Hinena said in the name of R. Kahana in the name of Samuel: The Mishnah refers to a publican who is not limited to a legal due.(5) The School of R. Jannai answered: This refers to an unauthorised collector.

OR THAT IT BELONGS TO THE ROYAL HOUSE, EVEN IF IT DOES NOT. How does he vow? — R. Amram said in Rab's name: By saying, 'May all the fruits of the world be forbidden me, if this does not belong to the royal house.' But if he said, 'may they be forbidden,' all the fruits of the world are forbidden to him.(6) — He adds, to-day. But if so, the publican will not accept it! — He mentally stipulates 'to-day,' but makes no explicit reservation; and though we [normally] rule that an unexpressed stipulation is invalid,(7) it is different when made under duress.

BETH SHAMMAI MAINTAIN: ONE MAY MAKE ANY FORM OF VOW … BUT BETH HILLEL RULE THAT EVEN SUCH ARE PER MISSIBLE. BETH SHAMMAI RULE: THE OWNER MUST NOT VOLUNTEER TO VOW; BETH HILLEL RULE: HE MAY DO SO. BETH SHAMMAI SAY: HE MAY VOW ONLY AS FAR AS HE [THE MURDERER] MAKES HIM VOW; BETH HILLEL SAY: EVEN IN RESPECT OF WHAT HE DOES NOT MAKE HIM VOW. E.G., IF HE [THE ROBBER] SAID TO HIM, SAY: KONAM BE ANY BENEFIT MY WIFE HAS OF ME'; AND THE OWNER DECLARED, 'KONAM BE ANY BENEFIT MY WIFE AND CHILDREN HAVE OF ME — BETH SHAMMAI RULE: HIS WIFE IS PERMITTED, BUT HIS CHILDREN ARE FORBIDDEN; BETH HILLEL RULE: BOTH ARE PERMITTED.

R. Huna said: A Tanna taught: Beth Shammai maintain: He must not volunteer with an oath; Beth Hillel say: He may volunteer even with an oath. Now, in the view of Beth Shammai, only with an oath may he not volunteer, but he may volunteer a vow. But we learnt: BETH SHAMMAI RULE: THE OWNER MUST NOT VOLUNTEER TO VOW. Moreover, he may merely not volunteer an oath, but he may vow with an oath [if requested]; but we learnt, BETH SHAMMAI MAINTAIN: ONE MAY MAKE ANY FORM OF VOW, EXCEPTING THAT SUSTAINED BY AN OATH? — The Mishnah deals with a vow, to shew how far-reaching is Beth Shammai's ruling;(8) whilst the Baraitha treats of an oath, to shew the full extent of Beth Hillel's view.(9)

R. Ashi answered, This is what is taught: Beth Shammai say, There is no absolution for an oath; and Beth Hillel say, There is absolution for an oath.(10)

MISHNAH. [IF ONE SAYS,] 'LET THESE SAPLINGS BE KORBAN [I.E., CONSECRATED] IF THEY ARE NOT CUT DOWN'; OR, LET THIS GARMENT BE KORBAN IF IT IS NOT BURNT: THEY CAN BE REDEEMED.(11) [IF HE SAYS,] 'LET THESE SAPLINGS BE KORBAN UNTIL THEY ARE CUT DOWN; OR, LET THIS GARMENT BE KORBAN UNTIL IT IS BURNT',

1. I.e. one may not vow, 'may this corn be forbidden me by an oath if' etc.
2. Weiss, Dor I, p. 185, conjectures that this controversy arose out of Herod's demand that all the members of the nation should swear loyalty to him (Joseph. Ant. 15, ¤ 10).
3. If the murderer does not demand a vow as an assurance, he must not offer to vow of his own accord.
4. Therefore the publican has a legal claim: why then is the owner permitted to evade payment by a false vow?
5. Under the Roman Procurators there was a tremendous amount of illegal extortion, particularly of octroi tolls, v. Sanh. (Sonc. ed.) p. 148.
6. For if the vow contains no sort of evasion, it is binding whatever its purpose.
7. Lit., 'words that are in the heart are no words'.
8. I.e., one may not volunteer even a vow, which is not as grave as an oath.
9. That one may volunteer even an oath, in spite of its greater gravity.
10. According to this, the Baraitha does not treat of vows under pressure at all. The Heb. lo yiftah (rendered 'he may not volunteer') will mean: He (the rabbi) must not give an opening for regret, i.e., must not grant absolution.
11. They are duly consecrated, and must be redeemed before they are permitted for secular use.

Nedarim 28b

THEY CANNOT BE REDEEMED.(1)

GEMARA. Let [the Mishnah] teach 'they are consecrated!'(2) — Because the second clause must state 'THEY CANNOT BE REDEEMED,'(3) the first clause also states, 'THEY CAN BE REDEEMED.

How was the vow made?(4) — Amemar answered: By saying, '… if they are not cut down to-day'; and the day passed without their being cut down. If so, why teach it: is it not obvious? — The need for teaching it arises e.g., when a strong wind is blowing.(5) But the same is taught with respect to a garment: and does a garment stand to be burnt? — Even so; e.g., when a fire has broken out. So here too [in respect of plants], a strong wind is blowing; and I might think that he thought that they would not be saved, and therefore vowed.(6) Hence the Mishnah informs us [that the vow is binding].

LET THESE SAPLINGS BE KORBAN etc. [Can they] never [be redeemed]?(7) — Said Bar Pada: If he redeems them, they revert to their sanctity; if he redeems them again, they again revert to their sanctity, until they are cut down.(8) When cut down, he redeems them once,(9) and that suffices. 'Ulla said: Having been cut down, they require no further redemption.(10)

1. Because a definite limit having been set, even if they are redeemed, they revert to their consecrated state.
2. Instead of the unusual 'they can be redeemed'. This is the reading of Ran, Asheri, and one view of Tosaf. Rashi's reading, which is that of cur. edd. is, 'let the Mishnah teach "they are consecrated" (in one respect) "and unconsecrated" (in another)'; the meaning of which is, they are consecrated in accordance with his vow', but not so strongly that they cannot be redeemed. This aspect of non-consecration is merely by contrast with the case of the second clause, where, even if redeemed, they revert to their consecrated state. [Tosaf. in name of R. Isaac of Dampierre (Ri.) gives a more satisfactory interpretation to this reading: 'They are consecrated' as long as they are not cut down, and 'unconsecrated' when they are cut down.]
3. It would be insufficient merely to state that they are consecrated, as the emphasis lies on the fact that redemption cannot release them.
4. Since ultimately they have to be cut down, how' and when can they become consecrated?
5. In which case it might be assumed that he never for a moment thought it possible for the saplings to be spared and did not consecrate them with a perfect heart.
6. But not really meaning it, and so the vow is invalid.
7. Surely that is impossible, since the vow set a limit to their period of sanctity!
8. V. p. 82, n. 3.
9. V. infra.
10. Since by the term of the vow their consecration lasts only until then.

Folio 29a

Said R. Hamnuna to him: Whither then has their sanctity departed? What if one said to a woman, 'Be thou my wife to-day, but to-morrow thou art no longer my wife': would she be free without a divorce?(1) — Raba replied: Can you compare monetary consecration to bodily consecration?(2) Monetary sanctity may automatically end; but bodily consecration cannot end thus. Abaye objected to him: Cannot bodily consecration automatically cease? But it was taught: [If one says.] 'Let this ox be a burnt-offering for thirty days, and after that a peace-offering':(3) it is a burnt-offering for thirty days, and after that a peace-offering. Now why? it has bodily sanctity, yet it loses it automatically!(4) — This deals with one who consecrated its value.(5) If so, consider the second clause: [If he says,] 'Let it be a burnt-offering after thirty days, but a peace-offering from now' [it is so]. Now, if you agree that one clause refers to bodily sanctity, and the other to monetary sanctity,

1. Notwithstanding that he had married her for a limited period. So here too, though he had declared, 'let them be korban until they are cut down'; yet when they are, they do not automatically lose their sanctity. but must be redeemed.
2. The plants have only a monetary consecration, i.e., they cannot themselves be offered in the Temple, but must be redeemed, and their redemption money is utilized in the Temple service. But a married woman is herself consecrated to her husband.
3. I.e., if sacrificed within thirty days, it must be a burnt-offering; if after, a peace-offering.
4. Its sanctity as a burnt-offering has automatically ceased, though it retains the sanctity of a peace-offering.
5. I.e., the value of this ox be consecrated as a burnt-offering for thirty days. viz., that if redeemed within thirty days, a burnt-offering must be bought for the money; if after, a peace-offering.

hence the Tanna must teach both [clauses], because I would think that monetary consecration can automatically cease, but not so bodily sanctity; hence both are rightly taught. But if you maintain that the two refer to monetary consecration, why teach them both? If a higher sanctity can automatically give way to a lower sanctity, Surely it is superfluous to state that a lower sanctity can be replaced by a higher one?(1) Shall we say that this is a refutation of Bar Pada, who maintained that sanctity cannot cease automatically? — Said R. Papa, Bar Pada can answer thus: The text is defective,(2) and this is its meaning: If he did not say, 'let this be a peace — offering from now, it remains a burnt-offering after thirty days.(3) This may be compared to the case of one who says to a woman, 'Be thou betrothed unto me after thirty days'; she becomes betrothed [then], even though the money [of betrothal] has been consumed [in the meanwhile].(4) But is this not obvious?(5) — This is necessary only [to teach that] where he supplemented his first declaration [it is still ineffective].(6) Now that is well on the view that she [the woman] cannot retract;(7) but on the view that she can retract, what can be said?(8) — Even according to that view, this case is different, because a verbal promise to God is as actual delivery in secular transactions.(9)

R. Abin and R. Isaac b. Rabbi(10) were sitting before R. Jeremiah, who was dozing. Now they sat and stated: According to Bar Pada, who maintained that they revert to their sanctity,

1. The burnt-offering has a higher sanctity than a peace-offering.
2. This is Rashi's reading, but is absent from the versions of Asheri, Ran, and Tosaf.
3. The text is thus to be reconstructed: If one says, 'Let this ox be a burnt-offering for thirty days, and from now and after thirty days a peace-offering': it is a burnt-offering for the first thirty days, and a peace-offering after that. But if he did not say, 'Let it be a peace-offering from now and after thirty days', but merely, 'let it be a burnt-offering for thirty days; and a peace-offering afterwards'; it remains a burnt-offering after thirty days. In the former case, the sanctity pertaining to the burnt-offering automatically ceases, because that of the peace-offering is potentially concurrent therewith and extends beyond it; but in the latter case, the sanctity cannot automatically cease (Rashi). Ran, Asheri and Tosaf. explain it differently.
4. So here too. When the second sanctity is not imposed concurrently with the first, the latter, on the completion of the thirty days, is similar to the money, which though consumed in the meanwhile, is nevertheless effective in betrothing the woman; so also the first sanctity remains though the period has been 'consumed'.
5. Since it is taught that only when the second sanctity runs concurrently with the first does it take effect after thirty days, it is self-evident that if it is not imposed concurrently, the first sanctity remains after the period.

6. I.e., if after declaring. 'this ox be a burnt-offering for thirty days and after that let it be a peaceoffering' (in which case, as we have seen, it remains a burnt-offering), he made a supplementary statement, 'let it be a peace-offering from now and after thirty days', it will still remain a burnt-offering after that period, because this statement from now' must be made at the outset. Now, if only the first clause had been taught. viz., that if he imposed the second sanctity concurrently with
7. During the interval and become betrothed to another man. So here too, unless the second sanctity was at the outset imposed concurrently with the first, the force of the latter remains.
8. So here too by analogy, even if the second sanctity was not imposed concurrently with the first, it should cancel the first after the thirty days.
9. I.e., the declaration, 'this ox be a burnt-offering for thirty days', has more force than a normal promise affecting the interests of man only. but is regarded as though thereby the animal had actually been made into a burnt-offering. and therefore that sanctity, even though imposed for a limited period, remains after it, unless another was imposed concurrently therewith.
10. [Read with MS.M 'b. Joseph'.]

Folio 30a

you may solve the problem of R. Hoshaia. Viz., what if one gives two perutahs to a woman, saying to her, 'Be thou betrothed unto me for one of these to-day. and for the other be thou betrothed unto me after I divorce thee'?(1) [Now, from Bar Pada's ruling you may deduce that the second] is indeed [valid] kiddushin.(2) This the first the former is duly effective, I would think that it is so even if this concurrent sanctity was imposed only in a supplementary statement. Hence the need for the second clause, viz., that if the second sanctity was not (at the very outset) imposed concurrently with the first, it cannot come into effect. roused R. Jeremiah, and he said to them, Why do you compare redemption by the owner to redemption by others? Thus did R. Johanan say: If he himself redeems them, they revert to their sanctity; but if others redeem them, they do not.(3) Now a [divorced] woman may be compared to the case of redemption by others.(4) It was stated likewise: R. Ammi said in R. Johanan's name: Only if he himself redeems them was this taught [that they revert to their sanctity]; but when others redeem them, they do not revert to their sanctity.

MISHNAH. HE WHO VOWS [NOT TO BENEFIT] FROM SEAFARERS, MAY BENEFIT FROM LAND-DWELLERS; FROM LAND-DWELLERS, HE IS FORBIDDEN [TO BENEFIT] EVEN FROM SEAFARERS, BECAUSE SEAFARERS ARE INCLUDED IN THE TERM LAND-DWELLERS'; NOT THOSE WHO MERELY TRAVEL FROM ACCO TO JAFFA,(5) BUT THOSE WHO SAIL AWAY GREAT DISTANCES [FROM LAND].

GEMARA. R. Papa and R. Aha son of R. Ika — one referred it [the last statement] to the first clause, and the other to the second. Now, he who referred it to the first clause learnt thus: HE WHO VOWS [NOT TO BENEFIT] FROM SEAFARERS MAY BENEFIT FROM LAND-DWELLERS. Hence, he may not benefit from seafarers; NOT THOSE WHO MERELY

1. Is the second betrothal valid?
2. For, just as the plants after redemption revert to their sanctity in virtue of an earlier declaration, so the woman, after being freed by a divorce, will revert to her betrothed state in virtue of the declaration prior thereto — Ran and Asheri. Rashi: For, when the plants are cut down, they should, according to the terms of the vow, lose their sanctity; yet in virtue of the first declaration they retain it until they are redeemed. So here too: though the divorce sets the woman free, the prior declaration is valid insofar as she becomes betrothed again. This interpretation is rather strained. Moreover, it would appear that the deduction is made from the fact that before being cut down the plants revert to their sanctity after being redeemed, and not because they require redemption even after being cut down. In Rashi's favour, however, it may be observed that this law of consecration after redemption is that of the Mishnah as explained both by Bar Pada and by 'Ulla. So that the particular reference to Bar Pada may indicate that the solution in deduced from the continued sanctity of the saplings after they are cut down, which is maintained by Bar Pada only.
3. For since they are redeemed by others, they are no longer under the authority of their first owner, therefore his first declaration is no longer valid.

4. Because once divorced, she is no longer under her husband's authority, just as the plants, when redeemed by others, are not under the authority of their first owner.
5. Acco (also called Acre). A city and seaport of Phoenicia on a promontory at the foot of mount Carmel ('Cf. Josephus. Ant, II, 10, 2). Jaffa. A city of Palestine and a Mediterranean Port, 35 miles northwest of Jerusalem.

TRAVEL FROM ACCO TO JAFFA, as these are land-dwellers, BUT THOSE WHO SAIL AWAY GREAT DISTANCES [FROM LAND]. He who referred it to the second clause learnt thus: [IF ONE VOWS NOT TO BENEFIT] FROM LAND-DWELLERS, HE MAY NOT BENEFIT FROM SEAFARERS; [this applies] NOT ONLY TO THOSE WHO TRAVEL MERELY FROM ACCO TO JAFFA. BUT EVEN TO THOSE WHO TRAVEL GREAT DISTANCES, since they eventually land.

MISHNAH. HE WHO VOWS [NOT TO BENEFIT] FROM THE SEERS OF THE SUN, IS FORBIDDEN FROM THE BLIND TOO, BECAUSE HE MEANT THOSE WHOM THE SUN SEES'.(1)

GEMARA. What is the reason? — Since he did not say 'from those who see,' he meant to exclude only fish and embryos.(1)

MISHNAH. HE WHO VOWS [NOT TO BENEFIT] FROM THE BLACK-HAIRED MAY NOT [BENEFIT] FROM THE BALD AND THE GREY-HAIRED, BUT MAY [BENEFIT] FROM WOMEN AND CHILDREN, BECAUSE ONLY MEN ARE CALLED BLACKHAIRED.

GEMARA. What is the reason? — Since he did not say 'from those who possess hair'.(2)

BUT MAY [BENEFIT] FROM WOMEN AND CHILDREN, BECAUSE ONLY MEN ARE CALLED 'BLACK-HAIRED'. What is the reason? — Men sometimes cover their heads and sometimes not; but women's hair is always covered, and children are always bareheaded.(3)

MISHNAH. ONE WHO VOWS [NOT TO BENEFIT] FROM YILLODIM [THOSE BORN] MAY [BENEFIT] FROM NOLADIM THOSE TO BE BORN]; FROM NOLADIM, HE MAY NOT [BENEFIT] FROM YILLODIM. R. MEIR PERMITTED [HIM TO BENEFIT] EVEN FROM YILLODIM; BUT THE SAGES SAY: HE MEANT ALL WHOSE NATURE IT IS TO BE BORN.(4)

GEMARA. Now, according to R. Meir, noladim go without saying;(5) who then is forbidden to him? — The text is defective, and thus to be reconstructed: ONE WHO VOWS [NOT TO BENEFIT] FROM YILLODIM MAY [BENEFIT] FROM NOLADIM; FROM NOLADIM, YILLODIM ARE FORBIDDEN TO HIM. R. MEIR SAID: ALSO HE WHO VOWS NOT TO BENEFIT] FROM NOLADIM MAY [BENEFIT] FROM YILLODIM, JUST AS HE WHO VOWS NOT TO BENEFIT FROM YILLODIM MAY [BENEFIT] FROM NOLADIM.(6)

R. Papa said to Abaye: Are we to conclude that noladim implies those about to be born? If so, does the verse, thy two sons, which noladim unto thee in the land of Egypt,(7) — mean 'who are to be born'?(8) — What then will you say: that it implies who were born? If so, what of the verse, behold a child nolad unto the house of David Josiah by name:(9) will you say that he was [already born]? but even Menasseh [Josiah's grandfather] was not yet born!(10) But nolad implies both,(11) and in vows, we follow general usage.(12) BUT THE SAGES SAY: HE MEANT ALL WHOSE NATURE IT IS TO BE BORN. Excluding what? — It excludes fish and fowl.(13)

1. [I.e.. he might have intended the phrase 'those who see the sun' as an euphemism for 'those whom the sun sees', i.e., the blind (cf. Bek. VIII, 3, , 'looking to the sun' used euphemistically for 'squinting'). But since with vows we adopt the more rigorous interpretation, he is forbidden to benefit from those who see as well as from the blind (cf. Rabinowitz, M. Graber Otzar ha-Safruth II, 137ff.).]
2. Therefore bald and grey-haired people are included, since they were once black-haired.
3. Hence women would be referred to as 'those of covered hair', and children as 'the bare-headed'. — Ran. In Mishnaic times it was the universal practise for women's hair to be covered, and its violation was deemed sufficient ground for divorce without payment of the kethubah (Keth. 72a Mishnah.) From the present passage it appears that no distinction was drawn between married and unmarried women, but later on custom became more lenient with respect to unmarried women (Shulhan 'Aruk', O.H. 75, 2; cf. Sanh. (Sonc. ed.) p. 398. n. 1, referring to Gentiles). As for men, it was considered a sign of reverence and piety to cover the head (Kid. 31a, Shab. 118b); nevertheless only in the case of great scholars was it held to be indispensable (cf. Kid. 8a.
4. I.e., not hatched, and therefore including both those already born and those to be born.
5. That they are permitted. since the Mishnah states, R. MEIR PERMITTED (HIM TO BENEFIT) EVEN FROM YILLODIM.
6. I.e. in each case his words are taken literally.
7. Gen. XLVIII. 5.
8. The reference being to Ephraim and Manasseh, who were already born.
9. I Kings XIII, 2.
10. This verse was spoken in the reign of Jeroboam I.
11. Biblically. Sc. 'born' and 'to be born'.
12. Lit., 'the language of the sons of men', which applies nolad to those who are yet to be born.
13. Which are spawned and hatched respectively.

Folio 31a

MISHNAH. HE WHO VOWS [NOT TO BENEFIT] FROM THOSE WHO REST ON THE SABBATH, IS FORBIDDEN [TO BENEFIT] BOTH FROM ISRAELITES AND CUTHEANS.(1) IF HE VOWS [NOT TO BENEFIT] FROM GARLIC EATERS, HE MAY NOT BENEFIT FROM ISRAELITES AND CUTHEANS;(2) FROM THOSE WHO GO UP(3) TO JERUSALEM, HE IS FORBIDDEN [TO BENEFIT] FROM ISRAELITES BUT FROM CUTHEANS HE IS PERMITTED.(4)

GEMARA. What is meant by 'THOSE WHO REST ON THE SABBATH'? Shall we say, 'those who observe the Sabbath,' why particularly Cutheans: even heathens [if they observe the Sabbath] too? Hence It must mean 'those who are commanded to observe the Sabbath." If so, consider the last clause: FROM THOSE WHO GO UP TO JERUSALEM, HE IS FORBIDDEN [TO BENEFIT] FROM ISRAELITES BUT FROM CUTHEANS HE IS PERMITTED. But why so: are they not commanded too?(5) — Sand Abaye: In both clauses the reference is to those who are commanded and fulfil [their obligations]. Hence, in the first clause, both Israelites and Cutheans are commanded and observe [the Sabbath]; but those heathens who rest on the Sabbath do so without being obliged to. As for making pilgrimages to Jerusalem, Jews are commanded and observe it; but Cutheans, though commanded, do not.

MISHNAH. [IF ONE SAYS,] 'KONAM THAT I DO NOT BENEFIT FROM THE CHILDREN OF NOAH,' HE MAY BENEFIT FROM ISRAELITES, BUT NOT FROM HEATHENS.

GEMARA. But are then Israelites excluded from the children of Noah? — Since Abraham was sanctified, they are called by his name.(6)

MISHNAH. [IF ONE SAYS, 'KONAM] THAT I DO NOT BENEFIT FROM THE SEED OF ABRAHAM,' HE IS FORBIDDEN [TO BENEFIT] FROM ISRAELITES, BUT PERMITTED [TO BENEFIT] FROM HEATHENS.

GEMARA. But there is Ishmael?(7) — It is written, for in Isaac shall thy seed be called.(8) But there is Esau? — 'In Isaac',(9) but not all [the descendants of] Isaac.

MISHNAH. [IF ONE SAYS, 'KONAM] THAT I DO NOT BENEFIT FROM ISRAELITES', HE MUST BUY THINGS FROM THEM FOR MORE [THAN THEIR WORTH] AND SELL THEM FOR LESS.(10) [IF HE SAYS, 'KONAM] IF ISRAELITES BENEFIT FROM ME, HE MUST BUY FROM THEM FOR LESS AND SELL FOR MORE [THAN THEIR WORTH], BUT NONE NEED CONSENT TO THIS.(11) THAT I MAY NOT BENEFIT FROM THEM, NOR THEY FROM ME, HE MAY BENEFIT ONLY FROM HEATHENS.(12)

GEMARA. Samuel said: If one takes an article from an artisan(13) on approval, and whilst in his possession it is accidentally damaged, he is liable for it. Hence we see that in his view the benefit is on the side of the buyer.(14) We learnt: [IF ONE SAYS, 'KONAM] THAT I DO NOT BENEFIT FROM ISRAELITES,' HE MUST … SELL THEM FOR LESS. Hence he may not sell at its actual worth: but if the purchaser benefits [not the vendor], why not sell at its actual worth? — The Mishnah refers to an unsaleable article.(15) If so, consider the first statement: HE MUST BUY FOR MORE THAN THEIR WORTH.(16) Moreover, consider the second clause: [IF HE SAYS, 'KONAM] IF ISRAELITES

BENEFIT FROM ME,' HE MUST BUY FROM THEM FOR LESS AND SELL FOR MORE THAN THEIR WORTH. But if this refers to unsaleable merchandise, even [to sell] at its actual worth [should be permitted]?(17) — The second clause refers to 'keen' merchandise.(18) If so, why must he purchase at a lesser [price]; he may even pay the full value?(19) —

1. Lit., 'men of Cuth or Cuthah'; this was one of the five cities from which Sargon, King of Assyria, brought settlers for the depopulated Northern Palestine, after it had been conquered and its inhabitants deported (II Kings XVII, 24, 30). During the period of its depopulation the land had become overrun by lions, who now attacked the settlers; they took this as a sign of the wrath of the local deity, and so, after instruction, they became Jews, though continuing some of their heathen practices. The religious status of the Cutheans (also called Samaritans) was of rather a vacillating nature. The Cutheans observed the Sabbath.
2. It was customary for these to eat garlic on Friday evenings. B.K. 82a.
3. For the three Festivals v. Deut. XVI, 16.
4. The Cutheans built a temple upon mount Gerizim, and though this was destroyed by John Hyrcanus, they continued to reverence the site and make pilgrimages thereto, instead of to Jerusalem.
5. Since they regarded themselves as true Jews and had formally become converts.
6. I.e., they are referred to as descendants ofabraham, not of Noah.
7. Hence his descendants, who are heathens, should be included in the vow.
8. Gen. XXI, 12.
9. I.e., only a portion of his descendants.
10. Because if he trades on ordinary terms, he is benefiting from them.
11. I.e., since others are not likely to trade on such terms, in practice he may not trade with them at all.
12. The point is this. One might think that since it is almost impossible for such a vow to be kept, it is by its very nature invalid; hence it is taught that its observance is not impossible, as he can fall back upon heathens.
13. Ran reads: from a tradesman.
14. Trustees are divided into various categories, according to their degrees of responsibility, depending upon the benefit they derive from their trust. Only one who borrows an article is liable for accidental damage, because all the benefit is on his side, the lender receiving nothing in return. Since Samuel rules that the prospective purchaser is liable for accidental damage, it is evident that he puts him in the same category as a borrower, who is the only one to derive benefit.
15. I.e., something for which there are no buyers. Hence the vendor benefits from the transaction, unless he sells below market price.
16. But if it is unsaleable, even if he pays no more than its market value, he is not benefiting.

17. Since the purchaser does not thereby benefit from him.
18. Goods in keen demand.
19. As the vendor does not benefit, since he can easily sell it to someone else.

But the Mishnah refers to average merchandise;(1) whilst Samuel refers to an article that is eagerly sought.

It was taught in agreement with Samuel: If one takes articles from a tradesman [on approval] to send them [as a gift] to his father-in-law's house, and stipulates: 'if they are accepted, I will pay you their value, but if not, I will pay you for their goodwill benefit':(2) if they were accidentally damaged on the outward journey, he is liable;(3) if on their return journey, he is not liable, because he is regarded as a paid trustee.(4)

A middleman [once] took an ass(5) to sell, but could not sell it. On his way back it was accidentally injured, [whereupon] R. Nahman held him liable to make it good. Raba objected: 'if they were damaged on the outward journey, he is liable; if on their return journey. he is not!' — Sand he to him: The return journey of a middleman counts as an outward journey, for if he finds a purchaser even at his doorstep, will he not sell [it] to him?

MISHNAH. [IF ONE SAYS,] 'KONAM THAT I DO NOT BENEFIT FROM THE UNCIRCUMCISED, HE MAY BENEFIT FROM UNCIRCUMCISED ISRAELITES BUT NOT FROM CIRCUMCISED HEATHENS; THAT I DO NOT BENEFIT FROM THE CIRCUMCISED,' HE IS FORBIDDEN TO BENEFIT FROM UNCIRCUMCISED ISRAELITES BUT NOT FROM CIRCUMCISED HEATHENS, BECAUSE 'UNCIRCUMCISED' IS A TERM APPLICABLE ONLY TO HEATHENS, AS IT IS WRITTEN, FOR ALL THE NATIONS ARE UNCIRCUMCISED AND ALL THE HOUSE OF ISRAEL ARE UNCIRCUMCISED IN THE HEART.(6) AND IT IS FURTHER SAID, AND THIS UNCIRCUMCISED PHILISTINE SHALL BE [AS ONE OF THEM],(7) AND IT IS FURTHER SAID, LEST THE DAUGHTERS OF THE PHILISTINES REJOICE, LEST THE DAUGHTERS OF THE UNCIRCUMCISED TRIUMPH.(8) R. ELEAZAR B. 'AZARIAH SAID: THE FORESKIN IS LOATHSOME, SINCE IT IS A TERM OF OPPROBRIUM FOR THE WICKED, AS IT IS WRITTEN, FOR ALL THE NATIONS ARE UNCIRCUMCISED. R. ISHMAEL SAID, GREAT IS [THE PRECEPT] OF CIRCUMCISION, SINCE THIRTEEN COVENANTS WERE MADE THEREON.(9) R. JOSE SAID, CIRCUMCISION IS A GREAT PRECEPT, FOR IT OVERRIDES [THE SEVERITY OF] THE SABBATH.(10) R. JOSHUA B. KARHA SAID: GREAT IS [THE PRECEPT OF] CIRCUMCISION, FOR [NEGLECTING] WHICH MOSES DID NOT HAVE [HIS PUNISHMENT] SUSPENDED EVEN FOR A SINGLE HOUR.(11) R. NEHEMIAH SAID, GREAT IS [THE PRECEPT OF] CIRCUMCISION, SINCE IT SUPERSEDES THE LAWS OF LEPROSY.(12) RABBI SAID, GREAT IS CIRCUMCISION, FOR [NOTWITHSTANDING] ALL THE PRECEPTS WHICH ABRAHAM FULFILLED HE WAS NOT DESIGNATED PERFECT UNTIL HE CIRCUMCISED HIMSELF, AS IT IS WRITTEN, WALK BEFORE ME, AND BE THOU PERFECT.(13) ANOTHER EXPLANATION: GREAT IS CIRCUMCISION, SINCE BUT FOR THAT, THE HOLY ONE, BLESSED BE HE, WOULD NOT HAVE CREATED THE UNIVERSE, AS IT IS WRITTEN, BUT FOR MY COVENANT BY DAY AND NIGHT,(14) I WOULD NOT HAVE APPOINTED THE ORDINANCES OF HEAVEN AND EARTH.(15)

GEMARA. It was taught: R. Joshua b. Karha said, Great is circumcision, for all the meritorious deeds performed by Moses our teacher did not stand him in stead when he

displayed apathy towards circumcision, as it is written, and the Lord met him, and sought to kill him.(16) R. Jose sand, God forbid that Moses should have been apathetic towards circumcision, but he reasoned thus: 'If I circumcise [my son] and [straightway] go forth [on my mission to Pharaoh], I will endanger his life, as it is written, and it came to pass on the third day, when they were sore.(17) If I circumcise him, and tarry three days, — but the Holy One, blessed be He, has commanded: Go, return unto Egypt.(18) Why then was Moses punished?

1. Which is neither a drag on the market nor in keen demand.
2. Which he would derive from his father-in-law's knowing that he wished to make him a present. Although only a matter of goodwill a monetary value could be set upon it.
3. This supports Samuel's ruling.
4. Who is not liable for accidental damage; this is because he has derived some benefit through having had it in his charge; but he cannot be considered as a simple borrower, the sole benefit being his, since this benefit has by now ceased, B.M. (Sonc. ed.) p. 460.
5. . The word may also mean 'wine'.
6. Jet. IX, 25. Thus, though there may be some circumcised among the heathens, they are collectively termed 'uncircumcised'; similarly, when the Israelites are rebuked for their leanings to paganism, they are denounced as 'uncircumcised of heart'.
7. I Sam. XVII, 36, though he did not know whether Goliath was uncircumcised or not.
8. II Sam. I, 20.
9. In the passage dealing with God's command to Abraham to circumcise himself, the word 'covenant' occurs thirteen times. Gen. XVII.
10. Circumcision, though entailing work, is performed on the Sabbath.
11. This is discussed in the Gemara.
12. A leprous spot, such as a swelling etc., may not be cut off (Deut. XXIV, is so interpreted); but if it is on the foreskin, it may be removed together with it.
13. Gen. XVII, 1.
14. This is taken to refer to circumcision, which, as shown above, is frequently designated as such.

15. Jer. XXXIII, 25. This is the end of the Mishnah in our text, but other versions, including that of Ran and Tosaf., add the following: — Great is circumcision, for it counterbalances all other precepts put together, as it is written, behold the blood of the covenant, which the Lord hath made with you concerning all these words (Ex. XXIV, 8). All these words are understood to mean all God's precepts: and 'the blood of the covenant', though referring in its context to sacrifice, is applied to circumcision, on account of its frequent designation as covenant. Part of this reading is quoted in the Gemara as a Baraitha. — Weiss, Dor, II, 9. regards all these dicta as called forth by Christianity's abrogation of circumcision.
16. Ex. IV, 24.
17. Gen. XXXIV, 25. This refers to the inhabitants of the city of Shechem, who underwent circumcision. Moses considered it dangerous to take his son on a journey within the first three days of circumcision.
18. Ex. IV, 19, implying without delay.

Folio 32a

Because he busied himself first with the inn,(1) as it is written, And it came to pass by the way, in the inn.(2) R. Simeon b. Gamaliel sand: Satan(3) did not seek to slay Moses but the child, for it is written, [Then Zipporah took a sharp stone, and cut off the foreskin of her son, and cast it as his feet, and sand,] Surely a bloody hathan art thou to me.(4) Go forth and see: who is called a hathan? Surely the infant [to be circumcised].(5)

R. Judah b. Bizna lectured: When Moses was lax in the perform ance of circumcision, Af and Hemah(6) came and swallowed him up, leaving nought but his legs. Thereupon immediately Zipporah 'took a sharp stone and cut off the foreskin of her son';(7) straightway he let him alone.(8) In that moment Moses desired to slay them, as it is written, Cease from Af and forsake Hemah.(9) Some say that he did slay Hemah, as it is written, I have not Hemah.(10) But is it not written, for I was afraid of Af and Hemah?(11) — There were two [angels named] Hemah. An alternative answer is this: [he slew] the troop commanded by Hemah, [but not Hemah himself].

It was taught: Rabbi sand, Great is circumcision, for none so ardently busied himself with [God's] precepts as our Father Abraham, yet he was called perfect only in virtue of circumcision, as it is written, Walk before me and be thou perfect,(12) and it is written, And I will make my covenant between me and thee.(13) Another version [of Rabbi's teaching] is this: Great is circumcision, for it counterbalances all the [other] precepts of the Torah, as it is written, For after the tenor of these words I have made a covenant with thee and with Israel.(14) Another version is: Great is circumcision, since but for it heaven and earth would not endure, as it is written, [Thus saith the Lord,] But for my covenant by day and night,(15) I would not have appointed the ordinances of Heaven and earth.(16) Now this [statement](17) conflicts with R. Eleazar's: for R. Eleazar(18) said, Great is the Torah, since but for it heaven and earth could not endure, as it is written, But for my covenant by day and night, I would not have appointed the ordinances of heaven and earth.(19)

Rab Judah sand in Rab's name: When the Holy One, blessed be He, said to our Father Abraham, 'Walk before me and be thou perfect',(20) he was seized with trembling. 'Perhaps,' he said, 'there is still aught shameful in me!' But when He added, 'And I will make my covenant between me and thee', his mind was appeased.(21)

Aid he brought him forth abroad.(22) Now Abraham had said unto him, 'Sovereign of the Universe! I have gazed at the constellation which rules my destiny, and seen that I am not fated to beget children.' To which [God] replied: 'Go forth from thy astrological speculations: Israel is not subject to planetary influences.'

R. Isaac said: He who perfects himself, the Holy One, blessed be He, deals uprightly with him, as it is written, With the merciful thou wilt shew thyself merciful, and with the upright thou wilt shew thyself upright.(23) R. Hoshaia said: If one perfects himself, good fortune will be his,(24) as it is written, Walk before me and be thou perfect;(25) and it is further written, And thou shalt be a father of many nations.(26)

Rabbi(33) said: He who practises enchantment will be harassed by witchcraft, as it is written, For against him, of [the seed of] Jacob, there is enchantment.(28) But surely it is written with lamed aleph?(29) — But he is thus punished as measure for measure.(30)

Ahabah the son of R. Zera learnt: He who does not practice enchantment is brought within a barrier [i.e., in proximity to God] which not even the Ministering Angeis may enter, as it is written, For there is no enchantment in Jacob, neither is there any divination in Israel: now it shall be asked [by the angels] of Jacob and Israel, What hath God wrought?(31)

R. Abbahu said in R. Eleazar's name: Why was our Father Abraham punished and his children doomed to Egyptian servitude for two hundred and ten years? Because he pressed scholars into his service, as it is written, He armed his dedicated servants(32) born in his own house.(33) Samuel(34) said: Because he went too far in testing the attributes [i.e., the promises] of the Lord, as it is written, [And he sand, Lord God,] whereby shall I know that I shall inherit it?(35) R. Johanan sand: Because he prevented men from entering beneath the wings of the Shechinah, as it is written, [And the king of Sodom said it to Abraham,] Give me the persons, and take the goods to thyself.(36)

And he armed his trained servants, born in his own house.(37) Rab said, he equipped them(38) by [teaching them] the Torah.(39) Samuel sand, he made them bright with gold [i.e., rewarded them for accompanying him]. Three hundred and eighteen:(40) R. Ammi b. Abba sand: Eliezer outweighed them all. Others say, It was Eliezer, for this is the numerical value of his name.(41)

R. Ammi b. Abba also said: Abraham was three years old when he acknowledged the Creator, for it is written, Because [Heb. 'ekeb] that Abraham obeyed my voice:(42) the numerical value of is one hundred seventy two.(43) R. Ammi b. Abba also said:

1. Instead of with circumcision.
2. Ibid. IV, 24. This implies that as soon as he left the road he turned his attention to the inn, arranging his baggage, quarters, etc., instead of immediately circumcising his son.
3. Var. lec. 'that angel'. Generally speaking. Satan was regarded as man's adversary and accuser, but without independent power, which be must derive from God. (Cf. Job I, seq., Zech. III. 1f.) In the older Talmudic literature Satan is seldom mentioned, but his name is found more frequently in the amoraic period, and it may well be that the variant reading here (angel) is the original one. V. also Kid. (Son. ed.) p. 142, n. 5.
4. Ex. IV, 25.
5. Hathan generally means bridegroom, son-in-law: but in connection with circumcision it refers to the infant to be circumcised
6. Wrath and anger personified.
7. As the whole body was swallowed up save the legs. Zipporah understood that this was a punishment for neglecting the circumcision of the foreskin.
8. Ex. IV, 26.
9. Ps XXXVII, 8. Af and Hemah are regarded here as proper nouns.
10. Isa. XXVII, 4. Spoken by God, and according to this interpretation, because Hemah had been slain.

11. Deut. IX, 19. This refers to the sin of the Golden Calf, which was subsequent to the incident under discussion.
12. Gen. XVII, 1, in reference to circumcision.
13. Ibid. XVII, 2. [Indicating that Abraham was to attain perfection through the covenant of circumcision.] Rashi, without pointing out any incorrectness in the text, relates this verse to the next passage; v. next note.
14. Ex. XXXIV, 33. After the tenor of these words is taken to refer to all God's precepts; by a 'covenant', 'circumcision' is understood; thus the two — all God's precepts and circumcision — are equated. Rashi appears to have the following reading: As it is written, Behold the blood of the covenant, which the Lord hath made with you concerning all these words (Ex. XXIV, 8); and it is also written. And I will mike my covenant between me and thee (Gen. XVII, 2). Just as 'covenant' in the latter verse refers to circumcision, so also in the former; whilst the end of that verse, 'concerning all these words', shews that circumcision is equal in importance to 'all these words', i.e., all God's commandments.
15. V. p. 93, n. 8.
16. Jer. XXXIII, 25.
17. Which identifies 'covenant' here with circumcision.
18. [So Pes. 68b. Cur. edd. R. Eliezer.]
19. Thus, according to him, 'covenant' in this verse refers to the Torah, not to circumcision.
20. Gen. XVII, 1.
21. For be then understood that the imperfection was not in himself, but in the lack of a formal covenant between him and the Almighty.
22. Gen. XV, 5.
23. II Sam. XXII, 26.
24. Lit., 'the hour will stand by him'.
25. Gen. XVII, 1.
26. Ibid. XVII, 4. This should be his good fortune, as a reward for perfecting himself.
27. Var. lec.: R. Levi.
28. Num. XXIII, 23.
29. Lo = not, so that the verse reads, Surely there is no enchantment in Jacob.
30. I.e., this is not deduced from a Scriptural verse, but from the general axiom that punishment corresponds to the crime. Though the Jewish Sages attributed reality to supernatural agencies in general, they nevertheless sought to discourage superstitious practices; v. M. Joseph. Judaism as Creed and Life. pp. 79-81.
31. Num. XXIII, 23. The Israelites, through not practising enchantments, are brought into such close contact with God, that they know secrets not entrusted to the angels.

32. I.e., scholars dedicated to the study of the Torah. The word is treated as a derivative of hanok, to educate, dedicate.

33. Gen. XIV, 14.

34. Var. lec.: R. Samuel b. Nahmani.

35. Gen. XV, 8.

36. Ibid. XIV, 21. Abraham, by permitting this, instead of taking the persons himself, and teaching them to know' God, is said to have prevented them from coming beneath the wings of the Divine Presence. This dictum seems to indicate that R. Johanan was in favour of proselytes.

37. Ibid. XIV, 14.

38. A variant reading is herikan; he emptied them from the Torah, i.e., disregarded their learning and forced them into service, or perhaps, withdrew them from their studies.

39. Wa-yarek is here connected with yarak to make shine; cf. yerakrak., yellow (shining).

40. Ibid.

41. Hebrew letters are also used as numbers, and the numerical value of rzghkt is 318.

42. Gen. XXVI, 5.

43. The verse is therefore thus interpreted: 172 years hath Abraham obeyed my voice. As he lived 175 years in all, he was three years old when he acknowledged the Creator.

Nedarim 32b

The numerical value of ha-satan [Satan] is three hundred sixty four.(1)

R. Ammi b. Abba also said: [First] Abram is written, then Abraham:(2) at first God gave him mastery over two hundred forty three limbs, and later over two hundred forty eight, the additional ones being the two eyes, two ears, and the membrum.(3)

R. Ammi b. Abba also said: What is the meaning of, There is a little city. etc.?(4) 'A little city' refers to the body; and 'a few men within' to the limbs; 'and there came a great king against it and besieged [it]' to the Evil Urge;(5) 'and built great bulwarks against it', to sin; 'Now there was found in it a poor wise man, to the Good Urge; and he by his wisdom delivered the city, to repentance and good deeds; yet no man remembered that same poor man, for when the Evil Urge gains dominion, none remember the Good Urge.

Wisdom strengtheneth the wise more than ten mighty ones which are in the city.(6) 'Wisdom strengtheneth the wise' refers to repentance and good deeds; 'more than ten mighty ones,' viz., the two eyes, two ears, two hands, two feet, membrum and mouth.(7)

R. Zechariah said on R. Ishmael's authority: The Holy One, blessed be He, intended to bring forth the priesthood from Shem, as it is written, And he [sc. Melchizedek] was the priest of the most high God.(8) But because he gave precedence in his blessing to Abraham over God, He brought it forth from Abraham; as it is written, And he blessed him and said. Blessed be Abram of the most high God, possessor of heaven and earth, and blessed be the most high God.(9) Said Abraham to him, 'Is the blessing of a servant to be given precedence over that of his master?' Straightway it [the priesthood] was given to Abraham, as it is written, The Lord said unto my Lord,(10) Sit thou at my right hand, until I make thine enemies thy footstool;(11) which is followed by, The Lord hath sworn, and will not repent, Thou art a priest for ever, after the order of Melchizedek,'(12) meaning, 'because of the words of Melchizedek.'(13) Hence it is written, And he was a priest of the most High God, [implying that] he was a priest, but not his seed.(14)

CHAPTER IV

MISHNAH. THE ONLY DIFFERENCE BETWEEN ONE WHO IS UNDER A VOW NOT TO BENEFIT AUGHT FROM HIS NEIGHBOUR, AND ONE WHO IS FORBIDDEN TO EAT OF HIS FOOD, IS IN RESPECT OF WALKING [OVER HIS PROPERTY] AND [THE USE OF] UTENSILS NOT EMPLOYED IN THE PREPARATION OF FOOD.(15) IF A MAN IS UNDER A VOW [NOT TO EAT] OF HIS NEIGHBOURS FOOD, THE LATTER MAY NOT LEND HIM A SIFTER, SIEVE, MILL-STONE OR OVEN,(16) BUT HE MAY LEND HIM A SHIRT, RING, CLOAK, AND EARRINGS.(17)

GEMARA. Which Tanna [is the authority of the Mishnah]?(18) — R. Adda b. Ahabah said, It is R. Eliezer. For it was taught: R. Eliezer said: Even the extra [given by a vendor to his customer] is forbidden to him who is under a vow not to benefit [by his neighbour].(19)

IF A MAN IS UNDER A VOW NOT TO [EAT] OF HIS NEIGHROUR'S FOOD, THE LATTER MAY NOT LEND HIM etc.

1. This indicates that his seductive powers over mankind are only for 364 days of the year. On the 365th, viz., the Day of Atonement, he has no power over man.

2. The original name of Abram, whose numerical value is 243, was changed to Abraham, with the value 248, the numbers of members of man's body. V. Mak. (Sonc. ed.) p. 109. n. 5.
3. As a reward for his undergoing circumcision he was given mastery over those limbs, which, through hearing and seeing, entice one to immorality; but now he was enabled by his will-power to forbid them to look upon or listen to sin. The last mentioned, of course, refers to the control of the sex-lust. Cf. Maim. 'Guide', III, ch. 49.
4. Eccl. IX, 14f.
5. One's evil inclinations personified; in B.B. 16a he is identified with Satan.
6. Ibid. VII, 19.
7. I.e., by repentance and good deeds one can conquer the evil desires of all these.
8. Gen. XIV, 18. The Midrash identifies him with Shem, the son of Noah, Abraham's eighth ancestor.
9. Ibid. 19f.
10. Here taken as referring to Abraham; cf. Ber. 7b, where my lord is explicitly so explained.
11. Ps. CX, 1.
12. Ibid. CX, 4.
13. I.e., because of his giving precedence to Abraham.
14. Though Abraham was a descendant of Melchizedek, and thus the priesthood was inherited by the latter's seed, yet this was through the merit of Abraham, not of Melchizedek. — Ran.
15. If he is forbidden all benefit, these are forbidden; but if the vow is only in respect of food, these are permitted.
16. This teaches that not only are those utensils prohibited which are used in the immediate preparation of food for eating, such as a cooking pot. but even those employed in the early stages only.
17. [Or 'nose-rings].
18. That even such a trifling benefit as walking over his property is forbidden.
19. Since R. Eliezer held that the vow applied even to such trifles, he is the authority of our Mishnah.

Folio 33a

But he vowed in respect of food?(1) — Said R. Simeon b. Lakish: This refers to one who said, 'The benefit of your food be forbidden me.'(2) But may it not mean that he is not to chew wheat [to a pulp] and apply it to his wound?(3) — Raba replied: The Mishnah refers to one who said: 'Any benefit from you leading to the enjoyment of food be forbidden me.' R. Papa said: A sack for bringing fruit, an ass for bringing fruit, and even a mere basket, all lead to the enjoyment of food. R. Papa propounded: What of a horse for travelling [to a banquet] or a ring to appear in;(4) or, what of passing over his land?(5) — Come and hear: BUT HE MAY LEND HIM A SHIRT, RING, CLOAK AND EARRINGS. How is this to be understood? Shall I say it is not to appear in them, need this be stated?(6) Hence it must mean to be seen in them, and it is taught that he may lend them to him! — No. After all, it does not mean to appear in them; but because the first clause teaches THE LATTER MAY NOT LEND HIM,(7) the second clause teaches HE MAY LEND HIM.(8)

MISHNAH. AND WHATEVER IS NOT EMPLOYED IN THE PREPARATION OF FOOD, WHERE SUCH ARE HIRED OUT, IT IS FORBIDDEN.(9)

GEMARA. Hence the first clause applies even where such things are not hired. Which Tanna [rules thus]?(10) — Said R. Adda b. Ahabah: It is R. Eliezer.(11)

MISHNAH. IF ONE IS UNDER A VOW NOT TO BENEFIT FROM HIS NEIGHBOUR, THE LATTER MAY PAY HIS SHEKEL,(12) SETTLE HIS DEBTS, AND RETURN A LOST ARTICLE TO HIM. WHERE PAYMENT IS TAKEN FOR THIS,(13) THE BENEFIT MUST ACCRUE TO HEKDESH.(14)

GEMARA. Thus we see that it is merely driving away a lion [from his neighbour's property],(15) and permitted. Which Tanna [rules thus]? — Said R. Hoshaia: This is

1. Which does not include these utensils.
2. Instead of simply 'Your food be forbidden me'. The additional words, 'b. etc.' are understood to include something besides actual food, viz., utensils for its preparation.
3. I.e., the longer form may imply that food is forbidden no matter how used, yet still be confined to actual foodstuffs.
4. So as to be treated as an honoured guest.
5. On the way to a feast.
6. For then he does not benefit at all, and it is obvious that he may lend them to him.
7. This must be taught; v. p. 100, n. 2.
8. I.e., it is merely to round off the Mishnah, though it is self-evident.
9. Even to one who is under a vow in respect of food as explained in the Gemara above, for the remission of the hiring fee is a benefit leading to the enjoyment of food.
10. That even where the benefit is so trifling, since it can be borrowed without a fee, it is forbidden.
11. V. p. 100, n. 5.

12. There was an annual tax of half a shekel for the upkeep of the Temple; v. Shek. I, 1; Ex. XXX, 13.
13. E.g., if he lost work through returning the article; v. B.M. 30b.
14. V. Glos. This is discussed in the Gemara.
15. I.e., he is merely performing a neighbourly action, without bestowing real benefit, for even if the other man does not pay the shekel, he still shares in the public sacrifices; also, when his debts are settled, the debtor personally receives nothing.

Nedarim 33b

Hanan's view.(1) Raba said: You may even say that it agrees with all: [We suppose that] the man who is interdicted by vow not to benefit from his neighbour was lent [money] without obligation to repay.(2)

What is [the ruling of] Hanan? — We learnt: If a man departed overseas, and another arose and supported his wife: Hanan said: He has lost his money.(3) But the sons of the High priests(4) disputed this and maintained: He must swear how much he expended and is reimbursed [by the husband]. R. Dosa b. Harkinas ruled as they did; whilst R. Johanan b. Zakkai said: Hanan has ruled well — it is as though he had placed his money upon a deer's horn.(5)

Now, Raba did not say as R. Hoshaia, because he interpreted our Mishnah to harmonize with all views. R. Hoshaia did not say as Raba: [to settle a debt] that need not be repaid is forbidden as a preventive measure on account of [a debt] that must be repaid.(6)

AND RETURN A LOST ARTICLE TO HIM. R. Ammi and R. Assi [differ thereon] — one said: This is only when the property of the finder(7) is forbidden to the loser, so that in returning it to him, he returns what is his own.(8) But if the property of the loser is forbidden to the finder, he may not return it, because he benefits him by R. Joseph's perutah.(9) But the other maintained: Even if the finder may not benefit from the loser's property, he may return it, and as for R. Joseph's perutah, this is rare.(10)

1. This is explained further on.
2. The creditor having lent it to be repaid at the debtor's leisure (Ran). Therefore, when his neighbour repays his debt, he confers no benefit upon him. Similarly, he may pay his shekel only when he is not bound to pay it himself, e.g., if he had already sent it and it was lost on the road.
3. He has no claim upon the husband.
4. There was a special court of priests, and this may be referred to here; v. Keth. 104b.
5. I.e., he cannot expect its return.
6. Lest it be thought that the latter too may be settled.
7. Lit., 'restorer'.
8. So that the loser is not benefiting.
9. Since when a person is engaged in the performance of one precept, he is exempt from another, the finder, when fulfilling this precept, may decline to give a perutah of charity to a poor man. This is referred to as R. Joseph's perutah, because he based a certain ruling upon this fact. B.K. 56b.
10. One rarely avails himself of that privilege, hence the finder gains nothing.

Folio 34a

We learnt: WHERE PAYMENT IS TAKEN FOR THIS, THE BENEFIT MUST ACCRUE TO HEKDESH. Now, that is well on the view that even if the finder must not benefit from the loser's property, he may also return it: hence it is taught: WHERE PAYMENT IS MADE FOR THIS, THE BENEFIT MUST ACCRUE TO HEKDESH.(1) But on the view that if the finder may not benefit from the loser he must not return it, why should the benefit accrue to hekdesh?(2) — This law refers to one case only.(3)

Others report it in the following version: R. Ammi and R. Assi differ thereon: one said: This was taught only if the finder may not benefit from the loser's property. R. Joseph's perutah being rare; but if the loser may not benefit from the finder's property, he may not return it, because he [the finder] benefits him. While the other maintained: Even if the loser may not benefit from the finder's property, he may return it, for he is only returning his own.

We learnt: WHERE PAYMENT IS TAKEN FOR THIS, THE BENEFIT MUST ACCRUE TO HEKDESH. Now that is well on the view that even if the loser may not benefit from the finder, he may also return it: thus he justifies WHERE [etc.],(4) but on the view that if the loser may not benefit from the finder, he may not return it, how is WHERE [etc.] explained?(5) This is a difficulty.

1. For since the finder cannot benefit from the loser, he cannot receive his fee from him; on the other hand, the loser is liable for it; therefore it goes to hekdesh; v. p. 104, n 2, for the reverse case.
2. Since he may not return it, there is no fee.
3. I.e., where the loser may not benefit from the finder. This is the interpretation of the passage according to our text. But the text of Ran is reversed, and (with its explanation) is as follows: This is well on the view that only if the loser may not benefit from the finder it may be returned, but not in the reverse case. Hence, the fee must go to the Temple treasury. if it is beneath the finder's dignity to accept it, for were the loser to retain it, he would be benefiting from the finder. But on the view that even if the finder must not benefit from the loser it may be returned, why must the fee go to the Temple treasury? If the finder declines it, the loser may retain it, since here is no prohibition upon him. If on the other hand the finder wishes to accept it, why may he not do so: in accepting it he is not benefiting from the loser, but merely being paid for lost time? The Talmud replies that though the law permitting the return of the lost article applies to both cases, the statement that the fee must go to the sanctuary applies only to one, viz., where the loser may not benefit from the finder.
4. The law referring to this case, as explained above, where it is beneath the finder's dignity to accept the fee.
5. For then it may be returned only if the loser may benefit from the finder; but in that case, why must the fee be given to hekdesh? If the finder does not accept it, the loser may retain it for himself.

Nedarim 34b

Raba said: If a hefker loaf(1) lies before a man, and he declares, 'This loaf be hekdesh', and he takes it to eat it, he trespasses in respect of its entire value; if to leave it to his children, he trespasses in respect of its goodwill value only.(2) R. Hiyya b. Abin asked Raba: [What if one says to his neighbour,] 'My loaf [be forbidden] to you,' and then gifts it to him: now, he said, 'my loaf,' meaning only so long as it IS In his own possession;(3) or perhaps, having said '[be forbidden] to you,' he has rendered it to him hekdesh?(4) — He replied: It is obvious that even if he gifted it to him, it is forbidden. For what was it [his vow] to exclude? Surely not the case where it would be stolen from him?(5) — He replied, No: It excludes the case where he invites him for it.(6)

1. V. Glos.
2. A Zar (i.e., not a priest) is forbidden to eat consecrated food; if he does, he is guilty of trespass. and bound to make restitution of its value plus a fifth (Lev. XXII, 14). Now as soon as he takes this consecrated loaf, with the intent of eating it, he withdraws it from the possession of hekdesh into his own. Hence he has trespassed in respect of the whole of it. But if he merely intends leaving it to his children, he merely benefits by its goodwill value (i.e., the benefit he enjoys through his children's knowing that he wishes to leave it to them) and hence liable for that only. [Had, however, the loaf been his own, he would not have been guilty of a trespass by taking it up with the intent of eating it. Since it was all the time in his possession, both before and after the consecration, he would be treated in regard to it as a Temple Treasurer, to whom the law of trespass does not apply, v. B.K. (Sonc. ed.) p. 103.]
3. Therefore now that he gave it to him, it is no longer his; hence permitted.
4. So that the prohibition always remains.
5. When A says to E, 'My loaf be forbidden to you', thus excluding B from its enjoyment, what is his purpose? Obviously, as long as it is in A's possession it is forbidden to B in any case, since it does not belong to him. Surely A did not intend his vow only in the unlikely event of the loaf being stolen? Hence he must have meant, 'Even if I give you this loaf which is now mine, it shall be forbidden to you.'
6. I.e., if A should invite B to dine with him off that loaf of bread, it should be forbidden to him; but not if he gives it to him. This interpretation follows Ran. Others explain the passage differently. According to all versions, must be deleted from the text.

Folio 35a

He objected: If A says to B, 'Lend me your cow,' and B replies, 'Konam be [this] cow if I possess [another] for you,'(1) or, my property be forbidden you if I possess any cow but this': [or,] 'Lend me your spade,' and he replies, 'This spade be forbidden me if I possess [another];' or 'my property be forbidden me, if I possess any spade but this', and it is discovered that he possesses [another]. During his, [B's] lifetime it is forbidden [him]; but if he dies, or it is given to him,(2) it is permitted?(3) — Said R. Aha son of R. Ika: That is if it was given to him through another.(4) R. Ashi said: This may be proved too, for it is stated, 'it is given to him,' not 'he gives it to him.'(5)

Raba asked R. Nahman: Does the law of trespass apply to Konamoth?(6) — He replied, We have learnt this: WHERE PAYMENT IS TAKEN FOR THIS, THE BENEFIT MUST ACCRUE TO HEKDESH. This teaches that it is as hekdesh: just as the law of trespass applies to hekdesh, so it applies to Konamoth.

This is dependent on Tannaim: If one Says, 'Konam, this loaf is hekdesh,'(7) then whosoever eats it, whether he or his neighbour, commits trespass; therefore the law of redemption applies to it.(8) [But if he says,] 'This loaf is hekdesh to me'; [by eating it] he commits trespass; but his neighbour does not commit a trespass; therefore the law of redemption does not apply:(9) this is the view of R. Meir. But the Sages maintain: In both cases no trespass is involved, because the law of trespass does not apply to Konamoth.

R. Aha son of R. Avi asked R. Ashi: [If A says to B,] 'My loaf be forbidden to you,'(10) and then makes a gift of it to him, who is liable for trespass? Shall the giver incur it but it is not forbidden to him? Is the receiver to incur it — but he can say, 'I desired to accept what is permitted, not what is forbidden?'(11) — He replied: The receiver incurs the liability when he uses it, for whoever converts money of hekdesh into hullin,(12) thinks that it is hullin, yet he is involved in trespass;(13) so this one too is liable for trespass.

1. The actual wording is difficult, and the commentators attempt various explanations. The literal translation is given here.
2. V. infra.
3. This contradicts Raba.
4. B gave it to C, who gave it to A. Since B voluntarily (in contradistinction to theft) let it out of his possession, his vow loses its validity.
5. Though the Hebrew word is the same for both, by tradition it was to be read as a niphal, not as a kal.
6. A term in us technicus for things interdicted by a vow, usually introduced with the formula konam. Since konam is a korban (a sacrifice) when one vows that a thing shall be konam, he declares it to be virtually consecrated, and hence if the vow is violated, it is as though trespass has been committed. Or it may be argued that in spite of its origin, konam is used without the suggestion of consecration, but merely to imply prohibition.
7. Not specifying to whom, and therefore applying it to all, including himself. [Read with MS.M.: 'This loaf is hekdesh', omitting konam, v. also Shebu. 22a.]

8. Since it is so much regarded as consecrated that by eating it one commits trespass, it is also so in respect of redemption, whereby it reverts to hullin (non-consecrated), whilst the redemption money becomes consecrated.
9. Since it is not regarded as consecrated in respect of all.
10. Using the formula 'konam'.
11. The receiver not knowing that this was the forbidden loaf.
12. V. Glos.
13. Because the law of trespass applies only to unwitting misuse of hekdesh.

Nedarim 35b

MISHNAH. AND HE MAY SEPARATE HIS TERUMAH AND HIS TITHES WITH HIS CONSENT.(1) HE MAY OFFER UP FOR HIM THE BIRD SACRIFICES OF ZABIM AND ZABOTH(2) AND THE BIRD SACRIFICES OF WOMEN AFTER CHILDBIRTH, SIN-OFFERINGS AND GUILT-OFFERINGS.(3) HE MAY TEACH HIM MIDRASH, HALACHOTH AND AGGADOTH,(4) BUT NOT SCRIPTURE.(5) YET HE MAY TEACH SCRIPTURE TO HIS SONS AND DAUGHTERS.(6)

GEMARA. The scholars propounded: Are the priests [in sacrificing] our agents or agents of the All-Merciful? What is the practical difference? — In respect of one who is forbidden to benefit [from a priest]: if you say that they are our agents, surely he [the priest] benefits him [by offering up his sacrifices]; hence it is prohibited. But if you say that they are the agents of the All-Merciful, it is permitted. What [then is the ruling]? — Come and hear: We learnt: HE MAY OFFER UP FOR HIM THE BIRD SACRIFICES [etc.]. Now if you say that they are our agents, does he not benefit him? Then on your view, let him [the Tanna] teach, HE MAY OFFER UP SACRIFICES FOR HIM?(7) But those who lack atonement are different.(8) For R. Johanan said: All [sacrifices] require [the owner's] consent,(9) save for those lacking atonement; since a man brings a sacrifice for his sons and daughters when minors, for it is said, This is the law of him that hath issue,(10) [implying] both for a minor or an adult.(11) If so, according to R. Johanan, does, This is the law for her that hath born [a male or a female](12) imply both an adult or a minor? Is a minor capable of childbirth? But R. Bibi recited in R. Nahman's presence: Three women use a resorbent [to prevent conception]: a minor, a pregnant woman, and a woman giving suck: a minor, lest she conceive and die?(13) — That verse, 'This is the law for her that hath born', [teaches,] that it is a]] one whether the woman be sane or an imbecile, since one must offer a sacrifice for his wife, if an imbecile, in accordance with R. Judah's dictum. For it was taught. R. Judah said: A man must offer a rich man's sacrifice(14) for his wife, and all other sacrifices which are incumbent upon her; since he writes thus for her [in her marriage settlement]: [I shall pay] every claim you may have against me from before up to now.(15)

1. If A is forbidden to benefit from B, B (the maddir) may separate terumah on the produce of the former (called the muddar). The Gemara discusses whose consent is meant.
2. V. Glos.
3. Lev. XV, 14f, 29f, XII, 6-8. i.e., the maddir, if a priest, may offer these sacrifices for the muddar.
4. The three branches of Jewish learning. Midrash (from darash, to study, investigate) means any kind of Biblical hermeneutics. In contradistinction to the peshat (literal interpretation) it denotes the deeper investigation into the text of the Bible in order to derive interpretations and laws not obvious on the surface. Halachoth is a term referring to religious law (embracing both civil and ritual law) whether based on Biblical exposition, (and thus arrived at by Midrash) or not. By Aggadah (or Haggadah, from higgid, to narrate) is meant the whole of the non-legal portion of the Talmud. Thus it includes narratives, homiletical exegesis of the Bible (which

inculcate morals, beliefs, etc. but no actual laws) medicine, astronomy, dreams, legends and folklore in general.

5. Lit., 'that which is (to be) read' sc. from a written text. The Pentateuch with its literal interpretations in contradistinction to Midrash, v. Aboth (Sonc. ed.) p. 75, n. 1. As will be seen on 37a, Scripture was generally regarded as the study of children only, adults usually investigating the deeper meaning too.
6. From this we see that it was usual to teach the Bible to girls, in spite of the Talmudic deduction that daughters need not be educated (Kid. 30a). The opposition of R. Eliezer to teaching Torah to one's daughter (Sot. 20a: He who teaches his daughter Torah is as though he taught her lewdness) was probably directed against the teaching of the Oral Law, and the higher branches of study. [V. Maim. Yad. Talmud Torah, I, 13.] Yet even in respect of this, his view was not universally accepted, and Ben 'Azzai (a.l.) regarded it as a positive duty to teach Torah to one's daughters. The context shows that the reference is to the higher knowledge of Biblical law. In point of fact, there were learned women in Talmudic times e.g., Beruriah, wife of R. Meir (Pes. 62b).
7. Sacrifices, in general, not lust these.
8. I.e., those who are unclean, and not permitted to eat holy food (e.g., the flesh of sacrifices) or enter the Sanctuary until their sacrifices have been offered up. This term however does not refer to sinners, whose sacrifice makes atonement for them. The sin- and guilt-offerings mentioned in the Mishnah will also refer to the former.
9. Before the priest may offer them.
10. Lev. XV. 32, referring to the sacrifices.
11. The expression 'this is the law' is emphatic, and hence extends its provisions to include those who might otherwise not have been included. Since a minor cannot bring a sacrifice himself, his father must do so for him. Moreover, a minor has no legal consent. Thus, we see that these sacrifices can be brought without their owner's (i.e., those on whose behalf it is offered) consent. Since their consent is unnecessary, the priests do not act as their agents, and on that account it is permitted.
12. Ibid. XII, 7.
13. V. Yeb. 12b. Thus we see that a minor is incapable of childbirth. — Of course, the same might have been stated simply on physiological grounds.
14. Certain sacrifices were variable, depending on their owner's financial position (v. Lev. V, 1-13; XII, 1-8). Now in a strictly legal sense every married woman is poor, since she has no proprietary rights, everything belonging to her husband. Nevertheless, if he is wealthy, he must bring the sacrifice of a rich person.
15. [This clause is taken as referring to sacrifices for which she may have become liable after the betrothal.] So curr. edd. Ran omits 'R. Judah said' from the beginning of the Baraitha, and adds at this point: R. Judah said: Therefore, if he divorced her, he is free from this liability, for thus she writes (in the document acknowledging receipt of settlements due to her on divorce): (I free you) from all the liabilities hitherto

borne by you in respect of me. From the Rashi in B.M. 104a, it appears that his version there was the same as the Ran's here. Now, reverting to the argument, since R. Judah (and the first Tanna) taught that a husband is liable for his wife's obligatory sacrifices, 'this is the law' may be interpreted as applying to an imbecile too, the liability resting with her husband. For if this principle of the husband's liability were not admitted, this interpretation would be impossible, since an imbecile herself is not a responsible person.

Folio 36a

R. Simi b. Abba objected: If he [the maddir](1) is a priest, he may sprinkle for him the blood of his sin-offering and his guilt-offering?(2) — This refers to the blood of a leper's sin-offering and of a leper's guilt-offering [who lack atonement], as it is written, This shall be the law of the leper:(3) both an adult and a minor.(4)

We learnt: If priests render a sacrifice piggul(5) in the Temple, and do so intentionally, they are liable;(6) This implies [that if they do so] unwittingly, they are exempt, though it was taught thereon:(7) Yet their piggul stands.(8) Now, it is well if you say that they are the agents of the All-Merciful: hence their piggul stands. But if you say that they are our agents, why is it so; let him say to him, 'I appointed you an agent for my advantage, not for my hurt'?(9) — I will tell you: Piggul is different, because the Writ saith, neither shall it be imputed unto him:(10) [implying that it is piggul] in spite of everything.(11)

The [above] text [states]: 'R. Johanan said: All require [the owner's] consent, save for those lacking atonement, since one brings a sacrifice for his sons and daughters when minors.' If so, let one offer a sin-offering on behalf of his neighbour for [eating] heleb,(12) since one brings [a sin-offering] for his insane wife?(13) Why then did R. Eleazar say: If a man set aside a sin-offering for heleb on his neighbour's behalf, his action is invalid?(14) — [Now consider:] In respect to his insane wife, what are the circumstances? If she ate [heleb] whilst insane, she is not liable to a sacrifice;(15) while if she ate it when sane, subsequently becoming insane, [there is the ruling of] R. Jeremiah who said in the name of R. Abbahu in R. Johanan's name: If a man ate heleb, set aside an offering, became insane, and then regained his sanity, it [the sacrifice] is unfit: having been once rejected, it remains so.(16)

Yet if so,(17) a man should be able to offer the passover sacrifice for his neighbour,(18) since he brings it for his sons and daughters, who are minors. Why then did R. Eleazar say: If a man sets aside a passover sacrifice for his neighbour his action(18) is null? — Said R. Zera: [The law, And they shall take to them every man] a lamb, according to the house of their fathers, [a lamb for a house],(19) is not Biblically incumbent [upon minors].(20) And how do we know this? — Because we learnt: If a man says to his sons [who are not of age], 'I will slaughter the passover sacrifice for whomever of you first enters Jerusalem', then as soon as the first of them enters with his head and the greater part of his body, he acquires his portion, and assigns a part thereof to his brothers with him. Now, if you maintain that 'a lamb, according to the house of their fathers' is Biblically applicable [to minors], then standing over the flesh, can he transfer a portion to his brethren?(21) If so, why did their father speak thus to them? — In order to stimulate them in [the performance of] precepts. It was taught likewise: it once happened [after their father had spoken thus] that the daughters entered [the city] before the sons, so that the daughters shewed themselves zealous, and the sons indolent.(22)

HE MAY SEPARATE HIS TERUMAH [etc.]

1. V. Glos.
2. Now. since these offerings are unspecified, they must refer to all, even of those who do not lack atonement.
3. Lev. XIV, 2, referring to his purificatory sacrifices.

4. Therefore the same reasoning applies as in the case of a zab.
5. v. Glos. Such a sacrifice is 'not acceptable' and does not acquit its owner of his liability, so that he is bound to offer another.
6. To compensate the owner of the sacrifice.
7. This is absent in our text, but supplied from Men. 49a.
8. Though committed unwittingly, the sacrifice remains piggul.
9. I.e., such an act committed on behalf of someone else can be repudiated.
10. Lev. VII, 18.
11. I.e., the priest is the owner's agent, yet the latter cannot repudiate him, because his power of rendering a sacrifice piggul is absolute and unconditional.
12. Forbidden fat. The objection is not particularly in regard to this sin-offering, but to all sin-offerings brought on account of transgression. The addition of heleb merely illustrates the type of offering referred to, and is frequently used as the general designation of a sin-offering.
13. Who also has neither legal consent nor knowledge.
14. The animal not becoming sanctified.
15. Not being responsible for her actions.
16. I.e., when the transgressor lost his reason, his sacrifice became unfit for offering, because an insane person cannot offer, and it remains unfit even if he regains his sanity. Thus we see that even if a sane person sinned, he is not liable to a sacrifice on becoming insane. Therefore, one cannot bring a sin-offering for his insane wife for actual transgression; hence the proposed analogy cannot be drawn.
17. Still objecting to R. Johanan's first ruling.
18. Without his knowledge.
19. Ex. XII, 3.
20. The Passover sacrifice had to be definitely assigned (before the animal was slain) to a number of persons and anyone not so appointed was subsequently forbidden to cat thereof. But this assignment does not, by Scriptural law, apply to minors at all. For this reason the father could slaughter for them, since they did not need to be appointed. Hence, one cannot argue from this to an adult, to whom the law off appointment applies.
21. For the assignment of the sacrifice can be made only before it is slain, not after (Pes. 89a). How then can one son assign a portion of the sacrifice to his brothers after it is killed? Therefore we must conclude that by Biblical law they are not bound to be appointed for the eating of the sacrifice at all.
22. But it is not stated that they lost their portion, proving that assignment is not Biblically incumbent upon them.

Nedarim 36b

The scholars propounded: If one gives terumah of his own for his neighbour's produce, does he require his consent or not? Do we say, since it is a benefit for him, his consent is unnecessary;(1) or perhaps, [the privilege of performing] the precept is his, and he prefers to perform it himself? Come and hear! HE MAY SEPARATE HIS TERUMAH AND HIS TITHES WITH HIS CONSENT. How is this meant: Shall we say, his own corn is used?(2) Then with whose consent? If with his own, who appointed him an agent?(3) But if it means with the owner's consent — does he not benefit him by acting as his agent?(4) Hence it must mean that he separates his own [i.e., the maddir's] produce for the owner's. Now, with whose consent? If with the owner's, does he not benefit him? Hence it must mean with his own knowledge [without informing the owner].(5) Now if you say that he requires his consent, does he not benefit him?(6) — [No.] After all, it means the owner's [produce] for the owner's produce; and it is as Raba said [elsewhere], That the owner had announced, 'Whoever wishes to separate, let him do so;' here, too, the owner had announced etc.(7)

R. Jeremiah asked R. Zera: If one separates of his own for his neighbour's [produce], to whom does the goodwill [value] belong?(8) Do we say, but for this man's produce, would the other's stack have been made fit to use?(9) Or perhaps, but for this man's stack, the other man's produce would not be terumah?(10) — He replied, Scripture saith, all the increase of thy seed … and thou shalt give.(11)

He objected: HE MAY SEPARATE HIS TERUMAH AND HIS TITHES WITH HIS CONSENT. Now if you say that the goodwill belongs to the owner, surely he [the maddir] benefits him? Hence this proves that the goodwill is his!(12) — I will tell you: it is not so. This means that the terumah belongs to the owner; 'HIS CONSENT also referring to the owner, who had announced, 'Whoever wishes to separate, let him do so.'

Come and hear: R. Abbahu said in R. Johanan's name: He who sanctifies the animal must add the fifth, whilst only he for whom atonement is made sanctifies a substitute;(13) and he who gives terumah of his own for another man's produce, the goodwill is his.(14)

HE MAY TEACH HIM MIDRASH, HALACHOTH, AND AGGADOTH, BUT NOT SCRIPTURE. Why not Scripture — because he benefits him? But [by] Midrash too he benefits him? — Said Samuel: This refers to a place where the teaching of Scripture is remunerated, but not that of Midrash. How state this definitely?(15) —

1. As it may be taken for granted.
2. Lit., '(produce) of the owner of the stack (is separated as terumah, etc.) for produce belonging to the owner of the stack.'
3. I.e., surely A cannot separate terumah for B, using B's produce, without the latter's consent.
4. Whereas his vow forbids him to benefit him.
5. [This is not regarded as a direct benefit, since he does not give him aught; v. Ran.]
6. For by consenting he shews that he regards it as a benefit.
7. Though such an announcement is a sufficient authorisation, the maddir is not thereby specially appointed an agent, and so does not directly benefit him.

8. I.e., if another Israelite paid him something to give the terumah to a particular friend of his, to whom does that thing belong?
9. Therefore the goodwill should belong to him who renders the terumah.
10. Produce can he declared terumah only on account of other produce. But one cannot take some corn and declare it terumah.
11. Deut. XIV, 25. In its context, thou shalt give refers to the changing of produce into money; but it is here taken out of its context and related to all the increase of thy seed, shewing that the goodwill belongs to the owner of the corn, no matter who actually separates the tithe. This is the reading of our text, and also that of Ran. But such forcible disregard of the context is not very plausible. Asheri prefers a preferable reading: (When thou hast made an end of tithing) All the tithes of thine increase … and thou shalt give it to the Levite; (Deut. XXVI, 12).
12. This of course is on the assumption that the naddir gives his own corn as terumah.
13. If A dedicates an animal for B's sacrifice and it subsequently receives a blemish and must be redeemed, then if A, who sanctified it, redeems it himself, he must add a fifth to its value, but nut if B redeems it (this is deduced from Lev. XXVII, 15). Again, if another animal is substituted for the first, both the original and its substitute are holy (ibid. 10). R. Johanan rules that this is only if B, on whose behalf the animal was sanctified, made the substitution, but not if A did so.
14. Sc. the man who gives it.
15. Seeing that the statement in the Mishnah is unqualified.

Folio 37a

He [the Tanna] informs us this: that even where a fee is taken, it may be accepted only for Scripture, but not for Midrash. Now, why does Midrash differ, that remuneration is forbidden: because it is written, And the Lord commanded me at that time to teach you;(1) and it is also written, Behold I have taught you statutes and judgments, even as the Lord my God commanded me(2) just as I [taught you] gratuitously, so you must teach gratuitously? Then should not Scripture too be unremunerated? — Rab said: The fee is for guarding [the children]. R. Johanan maintained: The fee is for the teaching of accentuation.(3)

We learnt: HE MAY NOT TEACH HIM SCRIPTURE. Now that is well on the view that remuneration is for the teaching of accentuation. But on the view that payment is for acting as guardian — does an adult need one?(4) — It refers to a child. If so, consider the last clause: BUT HE MAY TEACH SCRIPTURE TO HIS SONS: can a child have children? — It is defective, and teaches thus: HE MAY NOT TEACH HIM SCRIPTURE in the case of a minor: but if he is an adult, HE MAY TEACH SCRIPTURE BOTH TO him and HIS SONS.

An objection is raised: Children are not to study a new portion of Bible on the Sabbath; but they may make a first revision on the Sabbath.(5) This is well on the view that remuneration is for the teaching of accentuation: hence a passage may not be read for the first time on the Sabbath;(6) but on the view that payment is for acting as guardian, why is it forbidden to teach a passage for the first time on the Sabbath, yet permitted to give a first revision on the Sabbath; surely there is pay for guardianship oil the Sabbath?(7) — Now, even according to your reasoning: is remuneration for teaching the accentuation on the Sabbath forbidden? Is it not included [in the weekly or monthly fee], which is permitted? For it was taught: If one engages a [day] labourer to look after a child,(8) or the heifer,(9) or to watch over the crops,(10) he may not pay him for the Sabbath:(11) therefore

1. Deut. IV, 14.
2. Ibid. 5.
3. The whole system of punctuation and accentuation being post-Biblical, Moses' prohibition does not apply to it. The meaning of the phrase pisuk te' ammim is not altogether clear. Jastrow translates: 'the division of words into clauses in accordance with the sense, punctuation'. Be that as it may, it must at least refer to a particular manner of dividing the Biblical text with or without signs, over and above that which would naturally suggest itself by the subject matter. This conclusion must be drawn from the fact that it is regarded by Rab as non-Sinaitic: yet the clearly natural division, corresponding to peshat, could not have been thought of as introduced after Moses; what sense then did it make otherwise? There is mention of chanting in Meg. 32a, but there the reference is to the Mishnah as well as the Bible, the former being studied in a sort of chant, and the phrase pisuk te'ammim is not used there. [Berliner, A., however, in Bertr. z. hebr. Gram. p. 29, n. 1, quotes Rashi on Gen. Rab. XXXVI, (according to a Munchen MS.) as explaining pisuk te'ammim as Tropen, cantillation.]
4. Hence, Bible teaching to an adult should be unremunerated, in which case it should be permitted in the Mishnah.

5. I.e., having studied it before, they may revise it even for the first time on the Sabbath.
6. Because remuneration is made chiefly for teaching a passage for the first time, as that is the most difficult part of instruction. Hence, if a new passage is thus taught on the Sabbath, the teacher is paid chiefly for Sabbath labour, which is forbidden.
7. What does it matter whether the passage is a new' one or not? The guardianship is the same in both cases, and remuneration for such work on the Sabbath is forbidden.
8. That he should not ritually defile himself. It was customary for a child to draw the water from a well to mix with the ashes of the red heifer; this child had to be ritually clean.
9. This refers to the red heifer. The guardian was to take care that 'no yoke came upon it' (Num. XIX, 2).
10. This refers to the barley specially sown seventy days before Passover (Men. 85a) for the ceremony of 'sheaf waving' (v. Lev. XXIII. 11) and to the wheat of which were made the 'two wave-loaves' on Pentecost (ibid. 17). These crops were specially guarded.
11. Since each day is separately paid for, and payment for the Sabbath per se is forbidden.

if they are lost [or harmed] [on the Sabbath], he is not responsible. But if he was engaged by the week, month, year or septennate, he is paid for the Sabbath; consequently, if they are lost, he is responsible.(1) But in the matter of the Sabbath a new passage may not be studied for the first time for this reason: that the parents of the children may be free for the observance of the Sabbath. An alternative answer is this: because on the Sabbath they eat and drink [more than on weekdays] and feel sluggish;(2) as Samuel said: The change in one's regular diet is the beginning of digestive trouble.(3)

Now, he who maintains that remuneration is for the teaching of accentuation, — why does he reject the view that it is for acting as guardian? — He reasons: Do daughters then need guarding?(4) And he who maintains that the fee is for guardianship, — why does he reject the view that it is for teaching accents? — He holds that accents are also Biblical;(5) for R. Ika b. Abin said in the name of R. Hananel in Rab's name: What is the meaning of, And they read in the book, in the law of God, distinctly, and they gave the sense, so that they understood the reading?(6) 'They read in the book, it, the law of God,' refers to Scripture; 'distinctly,' to Targum;(7) 'and they gave the sense', to the division of sentences; 'so that they understood the reading,' to the accentuation; others say, to the masoroth.(8)

R. Isaac said: The textual reading,(9) as transmitted by the Soferim, their stylistic embellishments, [words] read [in the text] but not written, and words written but omitted in the reading, are all halachah from Moses at Sinai.(10) By textual reading is meant words as erez, shamayim, mizraim.(11) Stylistic embellishments: e.g., [and comfort ye your hearts;] after that ye shall pass on.(12) [Let the damsel abide with its a few days, at least ten:] after that she shall go. [Avenge the children of Israel of the Midianites;] afterwards, shalt thou be gathered unto thy people.(13) [The singers went before,] the players on instruments followed after.(14) Thy righteousness is like the great mountains.(15)

[Words] read [in the text] but not written: [the word] 'Euphrates' in [the verse] as he went to recover his border at the river [Euphrates];(16) [the word] 'man' in [the verse] And the counsel of Ahitophel … was as if a [man] had enquired of the oracle of God;(17) [the word] 'come' in [the verse] Behold, the days [come], saith the Lord, the city shall be built etc.;(18) 'for it' in [the verse] let there be no escape [for it]:(19) 'unto me' in [the verse] All that thou sayest [unto me] I will do; 'to me' [in the verse] And she went down unto the floor;(20) 'to me' in [the verse] And she said, These six measures of barley gave he unto me; for he said [to me],(21) All these [words] are read but not written.(22) The following are written but not read: [the word] 'pray' in forgive;(23)

1. Thus we see that the Sabbath may be paid for providing it is included in the general weekly agreement. Hence, though the main work in teaching lies in the first reading, this should be permitted on the Sabbath, since the fee is included in the general arrangements.
2. Hence are not fit to study a portion for the first time.
3. Lit., 'disease of the bowels'. The Sabbath being a day of delight, the parents naturally wish to play and amuse themselves with their children thereon. But if the children study a new passage on that day, since this requires great concentration, the parents may be afraid of distracting their attention. It is interesting to observe from actual life what the Sabbath meant to the people. In spite of the innumerable

restrictions pertaining to that day, and on account of which the Sabbath has been severely criticised as an intolerable burden, right from the New Testament times down to the present day, this simple statement, teaching no doctrine or view of the Sabbath, but recording a simple fact, vividly illustrates the utter shallowness of all that misinformed criticism. Cf. Schechter, Studies in Judaism ('The Law and Recent Criticism, pp. 296f). — 'On the one side, we hear the opinions of so many learned professors, proclaiming ex cathedra that the Law was a most terrible burden, and the life under it the most unbearable slavery … On the other side we have the testimony of a literature extending over about twenty-five centuries, and including all sorts and conditions of men, scholars, poets, mystics, lawyers … schoolmen, tradesmen, workmen, women, simpletons, who all … give unanimous evidence in favour of this Law, and of the bliss and happiness of living and dying under it, — and this, the testimony of people who were actually living under the Law, not merely theorising upon it'.

4. Girls are generally at home and do not venture into the streets; hence require no guarding. Now the Mishnah states in general terms that he may not teach Scripture. Though this, as explained, refers to a minor, yet even so the law holds good both of boys and of girls, since no limitations are given. But if payment is for guardianship, he should be permitted to teach girls, who do not need it. — Another reading is: does an adult need guarding? According to this, the explanation that the Mishnah refers to a minor is rejected as being too farfetched.
5. I.e., the system of accentuations goes back to Moses: consequently it was included in Moses' prohibition.
6. Neh. VIII, 8.
7. Targum, 'translation', generally refers to the Aramaic translation of the Bible. In Mishnaic phraseology it might refer to a translation from Hebrew or the Bible into any language, (v. J. Kid. 59a, where it denotes a Greek version of Aquila; Meg. II, 1; Shab. 115a), but the word Targum by itself was restricted to the Aramaic version of the Bible. This Aramaic translation was publically read in the synagogue, along with the original text, and rules for reading it were formulated (v. Meg. II, 1; Tosef. Meg. II, V). This practice was an ancient institution, dating back to the Second Temple, and according to Rab, going back to Ezra, v. J.E., XII, p. 57.
8. Masoroth: Tosaf and Asheri refer this to the plene and defective readings, e.g., where the 'o' is represented by waw (plene) and where it is missing (defective); where the 'i' is shewn by yod, and where not. Ran simply states: the traditional readings. The term 'masorah' occurs in Ezek. XX, 37, and means 'fetter'. Thus the masorah is a fetter upon the text, i.e., it fixes its reading. In course of time it was connected with masar (to hand down), and thus came to mean traditional reading. The old Hebrew text was in all probability written without any breaks. it was the work of the Masorites to make the divisions into words, books, sections, paragraphs, etc., and fix the orthography and pronunciation. The traditionally fixed text, especially with a view to its orthography, was called masoreth; the division into sense-clauses, pisuk te'ammim; the traditional pronunciation, mikra. V. J.E. s.v. Masorah.

9. V. preceding note.
10. I.e., though these were established by the Soferim (v. Glos.) they are based on usage going back to Moses.
11. In pause (viz., an ethnahta or sof pasuk) the tone-vowels are lengthened. Since there is nothing in the lettering to indicate this grammatical change, it was the work of the Soferim to teach it.
12. Gen. XVIII, 5.
13. Num. XXXI, 2.
14. Ps. LXVIII, 26.
15. Ps. XXXVI, 7. In all these examples 'after' is strictly speaking superfluous, for the verses would have made the same sense without it (presumably by the use of the copulative). In the last example, the comparative kaf (like) is also unnecessary, being omitted in the parallel stich: thy judgements are a great deep. But they are inserted in the text in order to give it a smoother flow. Ran: In all these cases, 'after' (Heb. ahar). and in the last example, 'like the mountains' (Heb. keharere) bear a disjunctive accent, so as to elucidate the meaning. E.g., the first example (disregarding the accents) might read, 'and comfort ye your hearts after ye shall have passed', and so the other examples. The last example, owing to the disjunctive of ke-harere, is according to Ran to be translated: Thy righteousness, O God, is as (manifest as) the mountains. These disjunctives are referred to as the embellishments of the Soferim. Goldschmidt, Nedarim a.l. (p. 442, n. 84) observes that a copulative word has been omitted in all these texts, as is shewn by the Samaritan text and some MSS.
16. II Sam. VIII, 3.
17. Ibid. XVI, 23.
18. Jer. XXXI, 38.
19. Jer. L. 29.
20. Ruth III, 5.
21. Ibid. 17.
22. Wilna Gaon adds the following examples, given in some editions, and also in Soferim VI, 8: But (the children of) Benjamin would not hearken (Jud. XX, 13); Because (Heb. Ki 'al ken: ken is read but not written) the king's son is dead (II Sam. XVIII, 20); The seal of the Lord of (hosts) (II Kings XIX, 31); Adrammelech and Sharaezer (his sons) smote him (Ibid. 37).
23. II Kings V, 18.

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'these' in Now [these] are the commandments.(1) 'let him bend' in Against him that bendeth [let him bend] the bow;(2) 'five' in and on the south side, four thousand and five [five] hundred;(3) 'if' in it is time that [If] I am thy near kinsman.(4) The foregoing are written but not read.(5)

R. Aha b. Adda said: In the West [i.e., Palestine] the following verse is divided into three verses, viz., And the Lord said unto Moses, Lo, I come unto thee in a thick cloud etc.(6)

R. Hama b. R. Hanina said: Moses became wealthy but from the chippings of the tablets, for it is written, Hew thee two tablets of stone like unto the first:(7) their chips be thine.

R. Jose son of R. Hanina said: The Torah was given only to Moses and his seed, for it is written, write thee these words(8) [and] Hew thee:(9) just as the chips are thine so is the writing thine.(10) But Moses in his generosity gave it to Israel, and concerning him it is said, He that hath a bountiful eye shall be blessed, etc.(11) R. Hisda objected: And the Lord commanded me at that time to teach you statutes and judgments?(12) — He commanded me, and I [passed it on] to you.(13) [A further objection:] Behold, I have taught you statutes and judgments, even as the Lord my God commanded me?(14) — He commanded me, and I taught you. Now, therefore, write this song for you!(15) — This refers to the song alone.(16) That this song be a witness for the against the children of Israel?(17) — But only the [Scripture] dialectics [were given to Moses alone].(18)

R. Johanan said: The Holy One, blessed be He, causes His Divine Presence to rest only upon him who is strong, wealthy, wise and meek;(19) and all these [qualifications] are deduced from Moses. Strong, for it is written, And he spread abroad the tent over the tabernacle;(20) and a Master said, Moses our teacher spread it; and it is also written, Ten cubits shall be the length of the board.(21) Yet perhaps it was long and thin?(22) — But [it is derived] from this verse: And I took the two tables, and cast them out of my two hands, and broke them.(23) Now, it was taught: The tablss [sic, tables] were six [handbreadths] in length, six in breadth, and three in thickness.(24) Wealthy, [as it is written] Hew thee, [interpreted] the chips be thine. Wise: for Rab and Samuel both said, Fifty gates of understanding were created in the world, and all but one were given to Moses, for it is said, For thou hast made him [sc. Moses] a little lower than God.(25) Meek, for it is written, Now the man Moses was very meek.(26)

R. Johanan said: All the prophets were wealthy. Whence do we derive this? From Moses, Samuel, Amos and Jonah. Moses, because it is written, I have not taken one ass from them.(38) Now, if he meant without a hiring fee — did he then merely claim not to be one of those who take without a fee?(28) He must hence have meant, even with a fee.(29) But perhaps it was because of his poverty?(30) — But [it is derived] from the verse, Hew thee etc.: the chips be thine. Samuel, because it is written, Behold here I am: witness against me before the Lord, and before his anointed: whose ox have I taken, or whose ass have I taken?(31) Now, if he meant for nothing — did he then merely claim not to be one of those who take without payment? Hence he must have meant, even for payment. But perhaps it was due to poverty? — Rather from this verse, And his return was to Ramah: for there was his house.(32) Whereupon Raba observed, wherever he went, his house went with him.(33) (Raba said: A greater thing is said of Samuel than of Moses: for in the case of Moses it is stated, 'I have not taken one ass from them' implying even for a fee;(34) but in

the case of Samuel, he did not hire it even with their consent, for it is written, And they said, thou hast not defrauded us, nor taken advantage of our willingness.)(36) Amos, because it is written, Then answered Amos and said to Amaziah, I was no prophet, neither was I a prophet's son, but I was a herdman and a gatherer of sycamore fruit;(36) which R. Joseph translated: Behold, I am the owner of flocks, and possess sycamore trees in the valley.(37) Jonah, as it is written [and he found a ship going to Tarshish:] so he paid the fare thereof, and went down into it.(38) And R. Johanan observed: He paid for the hire of the whole ship. R. Romanus said: The hire of the ship was four thousand gold denarii.

R. Johanan also said: At first Moses used to study the Torah and forget it, until it was given to him as a gift, for it is said, And he gave unto Moses, when he had made an end of communing with him [… two tables of testimony].(39)

MISHNAH. AND HE MAY SUPPORT HIS WIFE AND CHILDREN, THOUGH HE [THE MUDDAR] IS LIABLE FOR THEIR MAINTENANCE.(40) BUT HE MAY NOT FEED HIS BEASTS, WHETHER CLEAN OR UNCLEAN.(41) R. ELIEZER SAID: HE MAY FEED AN UNCLEAN BEAST OF HIS, BUT NOT A CLEAN ONE. THEY [THE SAGES] SAID TO HIM, WHAT IS THE DIFFERENCE BETWEEN AN UNCLEAN AND A CLEAN BEAST? HE REPLIED TO THEM, THE LIFE OF A CLEAN BEAST BELONGS TO HEAVEN, BUT THE BODY IS HIS OWN;(42) BUT AN UNCLEAN ANIMAL

1. Deut. VI, 1. Wilna Gaon deletes this example, as in fact 'these' is read. He substitutes 'eth in As the Lord liveth ('eth — sign of the accusative) that made us this soul (Jer. XXXVIII, 16). In Heb. Zoth (this) and 'eth are similar, differing only in one letter, and this may have caused the error in the text.
2. Jer. LI, 3.
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6. Ex. XIX, 9. [This is not to imply that in Palestine where the whole of the Pentateuch was read in three years, most verses were divided in two or three (v. Rappaport, Halichoth Kedem pp. 10 and 17). It only means that this was one of the few passages in which there existed a difference of division between the Palestinians and Babylonians; v. Blau, JQR, 1896, p. 143.]
7. Ex. XXXIV, 1.
8. Ibid. 27.
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10. The Torah is thy property.
11. Prov. XXII, 9.
12. Deut. IV, 14. This proves that it was not given to Moses for himself.

13. This is the answer, which interprets the verse thus: And the Lord commanded me at that time, (and I determined) to teach you etc.
14. Ibid. 5.
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16. But the rest of the Torah was originally given to Moses alone.
17. Deut. XXXI, 19. If the reference is to the song alone, how can that testify against Israel?
18. And he taught them to the people.
19. Cf. Maim. Guide, II, ch. 32. It seems strange that wealth should he regarded as a necessary qualification for prophecy. Poverty was not regarded as a fault, many of the Rabbis being poor (e.g., Hillel, before he became nasi; R. Joshua, the opponent of R. Gamaliel; R. Judah), yet were not thought of any the less. CF. also Aboth, VI, 4. Is it possible that 'wealthy' was included in order to oppose the N.T. teachings which imply that poverty in itself is a virtue? [According to Asheri these qualifications are deemed necessary for the gift of permanent prophecy. This would explain the inclusion of wealth, which dowers its possessor with the sense of independence. the better to proclaim the word of God and which commands greater respect.]
20. Ex. XL, 19.
21. Ex. XXVI, 16. This then was the height of the tabernacle: to have spread the tent over it he must have been extremely tall, and presumably correspondingly strong.
22. In which case he would not necessarily be strong.
23. Deut. IX, 17.
24. These would be extremely heavy and require great strength to handle.
25. Ps. VIII, 6.
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28. Surely he did not pride himself on not being a thief!
29. I.e., he had no need to hire an animal, possessing so many himself. Therefore he must have been wealthy.
30. I.e., having so few possessions that he did not need one.
31. I Sam. XII, 3.
32. Ibid. VII, 17.
33. I.e., he travelled about with all the retinue and baggage of his house: this could be done only by a wealthy man.

34. This implies that he did not compel them to hire him an ass. Yet even when he merely requested it, they might have dissimulated their unwillingness through shame and hired it to him.

35. Ibid. XII, 4.

36. Amos VII, 14.

37. Hence I have no need to turn my prophecy to professional uses. Boker, rendered in the A.V. 'herdman', is here translated 'owner of flocks'. [This is the rendering of Targum Pseudo-Jonathan; v. B.K. (Sonc. ed.) p. 9, n. 9.]

38. Jon. I, 3.

39. Ex. XXXI, 18. This shews that the two tables (i.e., the Torah) were made a gift to him.

40. This continues the preceding Mishnahs. Tosaf.: this applies according to the Rabbis supra 33b, to maintenance above the minimum necessities, which is all a husband is liable For.

41. Because a fattened animal has more value than otherwise; hence it is a direct benefit to the muddar.

42. I.e., since it may be eaten, he directly benefits by its fattening

BELONGS BODY AND LIFE TO HEAVEN.(1) SAID THEY TO HIM, THE LIFE OF AN UNCLEAN BEAST TOO BELONGS TO HEAVEN AND THE BODY IS HIS. FOR IF HE WISHES, HE CAN SELL IT TO A HEATHEN OR FEED DOGS WITH IT.

GEMARA. R. Isaac b. Hananiah said in R. Huna's name: He who is under a vow not to benefit from his neighbour may give him his daughter in marriage. R. Zera pondered thereon: What are the circumstances? If the property of the bride's father is forbidden to the bridegroom, — is he not giving him a servant to serve him?(2) If again the bridegroom's property is forbidden to the father of the bride(3) — but even a greater thing was said: HE MAY SUPPORT HIS WIFE AND CHILDREN. THOUGH HE [THE MUDDAR] IS LIABLE FOR THEIR MAINTENANCE;(4) then you say, He may give him his daughter in marriage! — After all, this refers to the case where the property of the father of the bride is forbidden to the bridegroom, but this treats of his daughter, a bogereth,(5) [who marries] at her own desire. It was taught likewise: He who is under a vow not to benefit from his neighbour may not give him his daughter in marriage; but he may permit his daughter, a bogereth, to marry him at her own desire.

R. Jacob said: If a man imposes a vow on his son [to do no service for him], in order that his son may study,(6) the latter may fill a barrel of water and light the lamp for him.(7) R. Isaac said: He is permitted to broil him a small fish.

R. Jeremiah said in R. Johanan's name: If a man is under a vow not to benefit from his neighbour, the latter may offer him the cup of peace. What is that? — Here [in Babylon] it has been interpreted, the cup drunk in the house of mourning.(8) In the West [Palestine] it was said: the cup of the baths.(9)

BUT HE MAY NOT FEED HIS BEASTS, WHETHER etc. It was taught: Joshua of 'Uzza said: He may feed his Canaanitish [i.e., heathen] bondmen and bondwomen, but not his beasts, whether clean or unclean. Why so? Because slaves are for service;(10) beasts are for fattening.

MISHNAH. IF ONE IS FORBIDDEN TO BENEFIT FROM HIS NEIGHBOUR, AND HE PAYS HIM A VISIT [IN SICKNESS] HE MUST STAND, BUT NOT SIT; HE MAY AFFORD HIM A CURE OF LIFE, BUT NOT A CURE OF MONEY.(11)

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37. Hence I have no need to turn my prophecy to professional uses. Boker, rendered in the A.V. 'herdman', is here translated 'owner of flocks'. [This is the rendering of Targum Pseudo-Jonathan; v. B.K. (Sonc. ed.) p. 9, n. 9.]
38. Jon. I, 3.
39. Ex. XXXI, 18. This shews that the two tables (i.e., the Torah) were made a gift to him.
40. This continues the preceding Mishnahs. Tosaf.: this applies according to the Rabbis supra 33b, to maintenance above the minimum necessities, which is all a husband is liable For.
41. Because a fattened animal has more value than otherwise; hence it is a direct benefit to the muddar.
42. I.e., since it may be eaten, he directly benefits by its fattening

BELONGS BODY AND LIFE TO HEAVEN.(1) SAID THEY TO HIM, THE LIFE OF AN UNCLEAN BEAST TOO BELONGS TO HEAVEN AND THE BODY IS HIS. FOR IF HE WISHES, HE CAN SELL IT TO A HEATHEN OR FEED DOGS WITH IT.

GEMARA. R. Isaac b. Hananiah said in R. Huna's name: He who is under a vow not to benefit from his neighbour may give him his daughter in marriage. R. Zera pondered thereon: What are the circumstances? If the property of the bride's father is forbidden to the bridegroom, — is he not giving him a servant to serve him?(2) If again the bridegroom's property is forbidden to the father of the bride(3) — but even a greater thing was said: HE MAY SUPPORT HIS WIFE AND CHILDREN. THOUGH HE [THE MUDDAR] IS LIABLE FOR THEIR MAINTENANCE;(4) then you say, He may give him his daughter in marriage! — After all, this refers to the case where the property of the father of the bride is forbidden to the bridegroom, but this treats of his daughter, a bogereth,(5) [who marries] at her own desire. It was taught likewise: He who is under a vow not to benefit from his neighbour may not give him his daughter in marriage; but he may permit his daughter, a bogereth, to marry him at her own desire.

R. Jacob said: If a man imposes a vow on his son [to do no service for him], in order that his son may study,(6) the latter may fill a barrel of water and light the lamp for him.(7) R. Isaac said: He is permitted to broil him a small fish.

R. Jeremiah said in R. Johanan's name: If a man is under a vow not to benefit from his neighbour, the latter may offer him the cup of peace. What is that? — Here [in Babylon] it has been interpreted, the cup drunk in the house of mourning.(8) In the West [Palestine] it was said: the cup of the baths.(9)

BUT HE MAY NOT FEED HIS BEASTS, WHETHER etc. It was taught: Joshua of 'Uzza said: He may feed his Canaanitish [i.e., heathen] bondmen and bondwomen, but not his beasts, whether clean or unclean. Why so? Because slaves are for service;(10) beasts are for fattening.

MISHNAH. IF ONE IS FORBIDDEN TO BENEFIT FROM HIS NEIGHBOUR, AND HE PAYS HIM A VISIT [IN SICKNESS] HE MUST STAND, BUT NOT SIT; HE MAY AFFORD HIM A CURE OF LIFE, BUT NOT A CURE OF MONEY.(11)

1. Since it may not be eaten, he does not benefit through its fattening.
2. Why is it then permitted? This is on the assumption that the reference is to a na'arah, (v. Glos.), whose labour belongs to her father, and who in turn transfers it to her husband.
3. And R. Huna teaches that he may marry his daughter, though by maintaining her he indirectly benefits her father.
4. So that he could support his daughter even when under her father's roof, and he is not considered as thereby benefiting her father. Surely then it is only too obvious that he may marry her.
5. Over twelve years and six months and one day of age. She is no longer under her father's authority, and the profits of her labour belong to herself.

6. Without interruption.
7. For presumably his vow was not directed against such trifling services, which require very little time.
8. It was customary to drink a special mourner's cup at the meals in a mourner's house. Keth. 8b.
9. It was the custom to drink a cup of some beverage after a hot bath.
10. Consequently their master does not gain anything when one feeds them. This refer, to extra food over the slave's requirements. — Ran.
11. The meaning of this is discussed on 42b.

Folio 39a

GEMARA. What are the circumstances? If the visitor's property is forbidden to the invalid, he may even sit? Whilst if the invalid's property is forbidden to the visitor, he may not even stand?(1) — Said Samuel: In truth, it means that the visitor's property is forbidden to the invalid, and applies to a place where a fee is received for sitting [with an invalid], but not for standing.(2) How state this definitely?(3) — He [the Tanna] teaches us thus: that even where it is customary to take a fee for visiting, one may receive it only for sitting, but not for standing.(4) An alternative answer is this: Just as R. Simeon maintained [elsewhere] that it is feared that he may tarry a long time whilst standing,(5) so here too it is feared that he may stay a long time if he sits.(6) 'Ulla said: After all it means that the invalid's property is forbidden to the visitor, for(7) he did not vow where it affects his health.(8) If so, he may sit too? — Because he can stand.(9)

An objection is raised: If he fell sick, he may enter to visit him; if his son became ill, he may inquire [after his health] in the street.(10) Now this is well according to 'Ulla, who maintains that it means that the invalid's property is forbidden to the visitor, for he did not vow where it affects his own health.(11) But on Samuel's explanation, that the visitor's property is forbidden to the invalid, what is the difference between himself and his son? — He can answer you: Our Mishnah means that the invalid may not benefit from the visitor; in the Baraitha, the case Is reversed. How state this definitely?(12) — Said Raba:

1. For by standing in his house he is regarded as benefiting.
2. It was customary to have companions or visitors for invalids, to cheer them up. Therefore if the visitor gives the invalid his company without accepting a fee, he is benefiting him.
3. That money is paid for sitting and not for standing.
4. One who sits presumably stays a long time; but one who stands pays only a fleeting visit, and hence may not receive a fee.
5. V. 42b.
6. I.e., the Mishnah refers to an invalid who is forbidden to benefit from the visitor. The visitor may not sit, lest he stay a long time, which is certainly a benefit to the invalid.
7. Generally the Heb. kegon states a particular instance. Here, however, it introduces a general statement. — Rashi, Ran, and Asheri.
8. The invalid never intended that his neighbour should be so stringently forbidden to benefit from him as not even to stand in his house to cheer him up in his illness.
9. For the invalid would not have the visitor benefit from him more than is strictly necessary.
10. But not enter his house.
11. Therefore, if his son fell sick, the visitor may not enter his house, because it is to be assumed that the question of his son's health did not come into consideration at the time of the vow.
12. On what grounds is this difference based?

Nedarim 39b

Our Mishnah presents a difficulty to Samuel: Why particularly teach that he may stand but not sit? Hence it must refer to a case where the invalid is forbidden to benefit from his visitor.(1)

Resh Lakish said: Where is visiting the sick indicated in the Torah? In the verse, If these men die the common death of all men, or if they be visited after the visitation of all men etc.(2) How is it implied? — Raba answered: [The verse means this:] If these men die the common death of all men, who lie sick a-bed and men come in and visit them, what will people say? The Lord hath not sent me(3) for this [task]. Raba expounded: But if the Lord make a new thing:(4) if the Gehenna(5) is already created, 'tis well: if not, let the Lord create it. But that is not so, for it was taught: Seven things were created before the world, viz., The Torah, repentance, the Garden of Eden, Gehenna, the Throne of Glory, the Temple, and the name of the Messiah. The Torah, for it is written, The Lord possessed me [sc. the Torah] in the beginning of his way, before his works of old.(6) Repentance, for it is written, Before the mountains were brought forth, or ever thou hadst formed the earth and the world … Thou turnest man to destruction, and sayest, Repent, ye sons of men.(7) The Garden of Eden, as it is written, And the Lord God planted a garden in Eden from aforetime.(8) Gehenna, as it is written, For Tophet(9) is ordained of old.(10) The Throne of Glory, as it is written, Thy Throne is established from of old.(11) The Temple, as it is written, A glorious high throne from the beginning is the place of our sanctuary.(12) The name of the Messiah, as it is written, His name [sc. of Messiah] shall endure for ever, and [has existed] before the sun!(13) — But Moses said thus: If a mouth has already been created for it [sc. Gehenna], 'tis well; if not, let the Lord create one. But is it not written, There is no new thing under the sun?(14) — He said thus: If the mouth is not near to this spot, let it draw near.

Raba, or as others say, R. Isaac, lectured: What is meant by, The sun and the moon stood still in their zebul?(15) What were they doing in the zebul, seeing that they were set in the raki'a?(16) This teaches that the sun and the moon ascended from the raki'a to the zebul and exclaimed before Him, 'Sovereign of the Universe! If thou wilt execute judgment for Amram's son,(17) we will give forth our light; if not, we will not shine.' In that moment He shot spears and arrows at them. 'Every day,' He rebuked them, 'men worship you, and yet you give your light. For My honour you do not protest, yet you protest for the honour of flesh and blood.' [Since then,] spears and arrows are shot at them every day before they consent to shine,(18) as it is written, And at the light of thy arrows they go, etc.(19)

It was taught: There is no measure for visiting the sick. What is meant by, 'there is no measure for visiting the sick?' R. Joseph thought to explain it: its reward is unlimited. Said Abaye to him: Is there a definite measure of reward for any precept? But we learnt: Be as heedful of a light precept as of a serious one, for thou knowest not the grant of reward for precepts? But Abaye explained it: Even a great person must visit a humble one. Raba said: [One must visit] even a hundred times a day. R. Abba son of R. Hanina said: He who visits an invalid takes away a sixtieth of his pain.(20) Said they to him: If so, let sixty people visit him and restore him to health? — He replied: The sixtieth is as the tenth spoken of in the school of Rabbi, and [providing further that] he [the visitor] is of his affinity.(21) For it was taught: Rabbi said: A daughter who enjoys maintenance from her brothers' estate receives a tenth of the estate.(22) Said they to Rabbi: If so, if a man leaves ten daughters

and one son, the latter receives nothing! He replied: The first [to marry] receives a tenth of the estate; the second, a tenth of the residue; the third, a tenth of what remains. [Now, if they all married at the same time], they redivide equally.(23)

R. Helbo fell ill. Thereupon R. Kahana went and proclaimed:

1. It is certainly true that one who forbids his neighbour to benefit from him does not do so at the cost of his own health. But then he would draw no distinction between standing and sitting, and would desire the visitor to have the benefit of sitting in his house too. Hence on 'Ulla's interpretation the distinction in the Mishnah is wrong; therefore Samuel reverses it.
2. Num. XVI, 29.
3. Ibid.
4. Ibid. 30.
5. V. p. 19, n. 6.
6. Prov. VIII, 22.
7. Ps. XC, 2f. 'Before', etc. applies to 'Repent'.
8. Gen. II, 8.
9. Another name for Gehenna.
10. Isa. XXX, 33.
11. Ps. XCIII, 2.
12. Jer. XVII, 12.
13. Ps. LXXII, 17. Now, according to this, Gehenna was definitely created before the world; how then could Moses be doubtful? — The general idea of this Baraitha is that these things are the indispensable prerequisites For the orderly progress of mankind upon earth. The Torah, the supreme source of instruction, the concept of repentance, in recognition that 'to err is human', and hence, if man falls, he needs the opportunity to rise again; the garden of Eden and the Gehenna symbolising reward and punishment, which, without conceding a purely utilitarian basis for ethical striving, are nevertheless powerful incentives thereto; the Throne of Glory and the Temple, indicating that the goal of creation is that the kingdom of God (represented by the Temple) should be established on earth as it is in Heaven; and finally, the name of Messiah, the assurance that God's purpose shall be eventually achieved.
14. Ecc. I, 9.
15. Hab. Ill, 11.
16. According to tradition, there are seven heavens, zebul being one.
17. By punishing Korah and his confederates.
18. Accepting the Almighty's rebuke, they refuse to shine, because of the insult to His glory, until they are forced to.
19. Ibid.

20. A variant: his sickness.
21. As the invalid. Born under the same planetary influence, Asheri; Rashi (and last.) 'of the same age'.
22. She can, on marriage, demand a tenth of the estate for a dowry and trousseau. V. Keth. 68a.
23. I.e., after taking one tenth of the estate, and another a tenth of what is left, and a third likewise, etc., they pool the lot together, and divide it equally. — Thus here too, the first visitor with the same affinity takes away a sixtieth of the sickness; the second a sixtieth of the remainder, and so on. Hence he would not be completely cured.

Folio 40a

R. Helbo is sick. But none visited him. He rebuked them [sc. the scholars], saying, 'Did it not once happen that one of R. Akiba's disciples fell sick, and the Sages did not visit him? So R. Akiba himself entered [his house] to visit him, and because they swept and sprinkled the ground before him,(1) he recovered. 'My master,' said he, 'you have revived me!' [Straightway] R. Akiba went forth and lectured: He who does not visit the sick is like a shedder of blood.

When R. Dimi came,(2) he said: He who visits the sick causes him to live, whilst he who does not causes him to die. How does he cause [this]? Shall we say that he who visits the sick prays(3) that he may live, whilst he who does not prays that he should die, — 'that he should die!' can you really think so? But [say thus:] He who does not visit the sick prays neither that he may live nor die.(4)

Whenever Raba fell sick, on the first day he would ask that his sickness should not be made known to any one lest his fortune be impaired.(5) But after that, he said to them [his servants], 'Go, proclaim my illness in the market place, so that whoever is my enemy may rejoice, and it is written, Rejoice not when thine enemy falleth … Lest the Lord see it, and it displeases him, and he turn away his wrath from him.(6) whilst he who loves me will pray for me.

Rab said: He who visits the sick will be delivered from the punishments of Gehenna, for it is written, Blessed is he that considereth the poor: the Lord will deliver him in the day of evil.(7) 'The poor' [dal] means none but the sick, as it is written, He will cut me off from pining sickness [mi-dalah];(8) or from this verse: Why art thou so poorly [dal], thou son of the King?(9) Whilst 'evil' refers to Gehenna, for it is written, The Lord hath made all things for himself' Yea, even the wicked for the day of evil.(10) Now, if one does visit, what is his reward? [You ask,] 'what is his reward?' Even as hath been said; 'he will be delivered from the punishment of Gehenna!' — But what is his reward in this world? — The Lord will preserve him, and keep him alive, and he shall be blessed upon the earth; and thou wilt not deliver him unto the will of his enemies.(11) 'The Lord will preserve him'. — from the Evil Urge, 'and keep him alive' — [saving him] from sufferings; 'and he shall be blessed upon the' earth,' — that all will take pride in him;(12) 'and the wilt not deliver him unto the will of his enemies', — that he may procure friends like Naaman's, who healed his leprosy; and not chance upon friends like Rehoboam's, who divided his kingdom.

It was taught: R. Simeon b. Eleazar said: If the young tell you to build, and the old to destroy, hearken to the elders, but hearken not to the young, for the building of youth is destruction, whilst the destruction of the old is building. And a sign for the matter is Rehoboam the son of Solomon.(13)

R. Shisha son of R. Idi said: One should not visit the sick during the first three or the last three hours [of the day], lest he thereby omit to pray(14) for him. During the first three hours of the day his [the invalid's] illness is alleviated; in the last three hours his sickness is most virulent.(15)

Rabin said in Rab's name: Whence do we know that the Almighty sustains the sick? From the verse, The Lord will strengthen him upon the bed of languishing.(16) Rabin also said in Rab's name: Whence do we know that the Divine Presence rests above an invalid's bed? From the verse, The Lord doth set himself upon the bed of languishing.(17) It was taught

likewise: He who visits the sick must not sit upon the bed, or on a stool or a chair, but must [reverently] robe himself and sit upon the ground, because the Divine Presence rests above an invalid's bed, as it is written, The Lord doth set himself upon the bed of languishing.

Rabin also said in Rab's name: [The swelling of] the Euphrates testifies abundantly to rain in the West.(18) Now, he disagrees with Samuel, who said: A river increases [in volume] from its bed.(19) Now, Samuel is self-contradictory. For Samuel said: Running water does not purify,

1. Asheri: R. Akiba, finding the chamber neglected, gave the necessary orders.
2. From Palestine.
3. Lit., 'begs mercy for him'.
4. Through the lack of his prayers, which might have been accepted, he is said to cause his death.
5. If his illness became known, people might talk about it and thus affect his fate (Rashi).
6. Prov. XXIV, 17f.
7. Ps. XLI, 2.
8. Isa. XXXVIII, 12.
9. II Sam. XIII, 4.
10. Prov. XVI, 4.
11. Ps. XLI, 3.
12. Lit., 'all will be honoured in him' — he will be a source of pride to all.
13. His elder councillors advised him to submit to the malcontents, thus apparently weakening his authority; whilst his young friends advised him to strengthen his rule by rejecting their demands. As a result of listening to the young men his kingdom was split. Kings XII.
14. Lit., 'dismiss' his mind from mercies.
15. Consequently, a visitor in the first three hours may think him on the road to recovery, and consider prayer unnecessary; in the last three hours, on the other hand, he may feel that prayer is hopeless.
16. Ps. XLI, 4.
17. This is another rendering of the same verse. Rashi suggests another interpretation; for yisa'denu, meaning 'he will strengthen him', read yesharenu, 'he will abide with him'.
18. Palestine. When it rains in Palestine, which is higher than Babylon, the water flows down and causes the swelling of the Euphrates. This is another way of saying that the rise of a river is due to the rains. The practical bearing of this on ritual law is discussed below.

19. Lit., 'From its rock': though it appears to swell through the rains, actually more water gushes upwards from the river bed than is added by the rain,

except the Euphrates in Tishri.(1) Samuel's father made mikwaoth for his daughters in Nisan(2) and had mats set for them in the days of Tishri.(3)

R. Ammi said in Rab's name: What is meant by the verse, Therefore, thou son of man, prepare thee stuff for removing?(4) This is a lamp, plate and

1. Tishri is the seventh month of the Jewish year, generally coinciding with September-October. If a mikweh (ritual bath) is made of collected rain water, it is efficacious only if its water is still, not running or flowing. On the other hand, a well or spring with its water gushing forth from its source is efficacious even when it flows onward. Now, during the whole year, the river may contain more rain water or melted snow than its own natural waters; consequently, it is all considered as rain water, which does not cleanse when in a running state. But in Tishri the rains have ceased, nor is there any melted snow in the river. Then it is like a well or spring, and even though running its water is efficacious for ritual cleansing. Now, according to this, the river's rise is caused mainly by rain. This conflicts with the view that at all times the water from its source is more.
2. Nisan, the first Jewish month, corresponding to March-April. As the river is then swollen by rain, he did not permit them to take their ritual bath in the running river, but made special enclosed baths for them.
3. In Tishri they performed their ablutions in the river. Now the bed of the river is miry, and should the feet sink into it, the water cannot reach them and the immersion is invalid; he therefore placed mats in the river bed for them to stand on. Ran gives another explanation: He hung up mats on the shore to serve as a screen, For modesty. [Obermeyer op. cit. p. 418: he set up for them tents made of reeds]. On both explanations this story is mentioned here in support of Samuel's second dictum.
4. Ezek. XII, 3.

Folio 41a

a rug.(1)

[And thou shalt serve thine enemies …] in want of all things.(2) R. Ammi said in Rab's name: This means without a lamp or table. R. Hisda said: Without a wife; R. Shesheth said: Without an attendant; R. Nahman said: Without knowledge. A Tanna taught: Without salt or fat. Abaye said: We have it on tradition that no one is poor save he who lacks knowledge. In the West [palestine] there is a proverb: He who has this, has everything; he who lacks this, what has he? Has one acquired this, what does he lack? Has he not acquired this, what does he possess?

R. Alexandri said in the name of R. Hiyya b. Abba: A sick man does not recover from his sickness until all his sins are forgiven him, as it is written, Who forgiveth all thine iniquities; who healeth all thy diseases.(3) R. Hamnuna said: He [then] returns to the days of his youth, for it is written, His flesh shall be fresher than a child's: he shall return to the days of his youth.(4)

Thou host turned his bed in his sickness.'(5) R. Joseph said: This means that he forgets his learning. R. Joseph fell ill and forgot his learning; but Abaye restored it to him. Hence it is frequently stated that R. Joseph said, 'I have not heard this law,' and Abaye reminded him, 'You yourself did teach it to us and did deduce it from this particular Baraitha.'

When Rabbi had studied his teaching in thirteen different interpretations, he taught R. Hiyya only seven of them. Eventually Rabbi fell sick [and forgot his learning]. Thereupon R. Hiyya restored to him the seven versions which he had taught him, but the other six were lost. Now, there was a certain fuller who had overheard Rabbi when he was studying them himself; so R. Hiyya went and learned them from the fuller, and then repeated these before Rabbi. When Rabbi met him, he said to him, 'Thou hast taught(6) both R. Hiyya and myself'. Others say that he spoke thus to him: 'Thou hast taught R. Hiyya, and he has taught me.

R. Alexandri also said in the name of R. Hiyya b. Abba: Greater is the miracle wrought for the sick than for Hananiah, Mishael and Azariah. [For] that of Hananiah, Mishael and Azariah [concerned] a fire kindled by man, which all can extinguish; whilst that of a sick person is [in connection with] a heavenly fire,(7) and who can extinguish that?

R. Alexandri also said in the name of R. Hiyya b. Abba, — others state, R. Joshua b. Levi said: When a man's end has come, all have dominion over him, for it is written, And it will be that whosoever findeth me will slay me.(8) Rab deduced it from this verse: They stand forth this day to receive thy judgments: for all are thy servants.(9)

Rabbah b. Shila was told that a tall man had died. [Now it happened thus:] This man was riding on a little mule and when he came to a bridge, the mule shied and threw the man, and he was killed. Thereupon Rabbah applied to him the verse, They stand forth this day to receive thy judgments etc.

Samuel saw a scorpion borne by a frog across a river, and then stung a man, so that he died. Thereupon Samuel quoted, They stand forth this day to receive thy judgments etc.(10)

Samuel said: Only a sick person who is feverish(11) may be visited. What does this exclude? It excludes those concerning whom it has been taught by R. Jose b. Parta in R.

Eliezer's name, viz., One must not visit those suffering with bowel [trouble], or with eye disease, or from headaches. Now the first is well, the reason being through embarrassment;(12) but what is the reason of the other two? — On account of Rab Judah's dictum, viz., Speech is injurious to the eyes and to [people suffering from] headaches.(13)

Raba said: Feverishness, were it not a forerunner of the angel of death,(14) it would be as salutary

1. These are the minimum requisites of a wanderer.
2. Deut. XXVIII, 48.
3. Ps. CIII, 3.
4. Job XXXIII, 25.
5. Ps. XLI, 4.
6. Lit., 'made'.
7. I.e., his temperature rises.
8. Gen. IV, 14; thus Cain, thinking that his end had arrived, recognised that everything would have power to slay him.
9. Ps. CXIX, 91. I.e., all become servants to carry out God's judgment of doom.
10. Though a scorpion cannot swim, he was carried across by the frog, in order to fulfil God's judgment.
11. Lit., 'when he is wrapped in heat'.
12. He has his bowels frequently moved.
13. This is the reading of Asheri; cur. edd. add, 'and is good for fever' and Wilna Gaon amends likewise.
14. Both in the Bible and in the Talmud death is regarded as coming to man through an angel. Thus we find mention of the 'angel of the Lord' destroying 185,000 men in the Assyrian camp (II Kings XIX, 35); the destroying angel (II Sam. XXIV, 15); 'the angel of the Lord' whom David saw standing 'between the earth and the heaven, having a drawn sword in his hand stretched out over Jerusalem' (I Chron. XXI, 15). In the Talmud this angel is frequently referred to, and he was conceived as causing death by dropping gall into the mouth of the victim; 'A.Z. 20b; v. J.E. IV, 480ff.

once in thirty days as thorns which surround [and protect] a palm tree, and as theriak(1) to the body(2) R. Nahman b. Isaac said: [I want] neither it nor its theriak.

Rabbah b. Jonathan said in R. Jehiel's name: 'Arsan is beneficial for healing the sick. What is 'arsan? — Said R. Jonathan: Old peeled barley which sticks to the sieve.(3) Abaye observed: They require boiling as the flesh of an ox. R. Joseph said: It is fine barley flour which sticks to the sieve; [whereupon] Abaye remarked: It needs as much boiling as the flesh of an ox.

R. Johanan said: We must not visit one afflicted with burdam,(4) nor mention its [real] name. What is the reason? — R. Eleazar said: Because it is like a gushing well.(5) R. Eleazar also said: Why is it called burdam? Because it is a gushing well.(6)

THE LATTER MAY AFFORD HIM A CURE OF LIFE BUT NOT A CURE OF MONEY. What does this mean? Shall we say that 'A CURE OF LIFE means without payment, and 'A CURE OF MONEY' is for a fee?(7) Then let him [the Tanna] state: He may heal him without payment, but not for a fee? — But by 'A CURE OF LIFE' his own person is meant: whilst 'A CURE OF MONEY' refers to his cattle.(8) R. Zutra b. Tobiah said in Rab's name: Nevertheless he may tell him: this drug is beneficial for it, that drug is injurious for it.

MISHNAH. HE MAY BATHE TOGETHER WITH HIM IN A LARGE BATH, BUT NOT IN A SMALL ONE,(9) HE MAY SLEEP IN A BED WITH HIM. R. JUDAH SAID: [ONLY] IN SUMMER, BUT NOT IN WINTER, BECAUSE HE [THEREBY] BENEFITS HIM.(10) HE MAY RECLINE ON A COUCH(11) OR EAT AT THE SAME TABLE WITH HIM(12) BUT NOT OUT OF THE SAME DISH;(13) BUT HE MAY DINE WITH HIM OUT OF A BOWL WHICH RETURNS.(14)

GEMARA. It was taught: He may not bathe together with him in a bath, or sleep in a bed with him, whether large or small: this is R. Meir's ruling. R. Judah said: A large one in winter, and a small one in summer are permitted.(15) He may bathe with him in a large bath, and may take a hot air bath with him [even] in a small one.(16) He may recline on a couch with him, and eat at the same table, but not out of the same dish. Yet he may eat out of the same bowl that returns. R. Jose b. Hanina said: that means the bowl that returns to the host.(17)

MISHNAH. HE MAY NOT EAT WITH HIM OUT OF THE BOWL PUT BEFORE WORKMEN,(18) NOR MAY HE WORK WITH HIM ON THE SAME FURROW: THIS IS R. MEIR'S VIEW. BUT THE SAGES SAY: HE MAY WORK, PROVIDED HE IS AT A DISTANCE.

GEMARA. There is no dispute at all that they may not work near [each other]. They differ only in reference to [working at] a distance. R. Meir maintains: We forbid at a distance as a preventive measure on account of nearby, for he [the maddir] softens the ground before him; while the Rabbis hold: We do not enact a preventive measure.

1. A certain compound believed to be an antidote against poisonous bites.
2. I.e., the fever has a purging and purifying effect on the body.
3. On account of its fatness. Lit., 'of the top of the sieve'.

4. Dysentery, bloody flux; Rashi quotes a version burdas.
5. Not to shame the one afflicted with it.
6. The word is a compound; bor dam, a well of blood.
7. LIFE, Heb. nefesh. will then be the equivalent of desire (nefesh in Heb. sometimes bears that meaning, c.g., Gen. XXIII, 8: If it be your desire, Heb. nafshekem), i.e., of his own free will. The Mishnah then will refer to the doctor being a muddar (v. Glos.), who may not accept a fee from the invalid.
8. Hence, nefesh in the Mishnah is translated 'his soul', i.e., himself, whilst mamon (money) refers to his chattels. According to this interpretation the invalid is the muddar; nevertheless, the saving of life overrules other considerations. This is so, even if another doctor is available, for the skill of the first may be greater. In fact, the prohibition to heal his cattle holds good only if another doctor can he obtained, — Ran.
9. In a small one his own body perceptibly raises the level of the water, and also adds to its heat; he thereby benefits him.
10. By adding warmth.
11. Even in winter, as no benefit is gained.
12. This is not forbidden lest he eat of the other's portion.
13. A large bowl was sometimes placed on the table, from which all ate. The maddir and the muddar may not eat out of the same bowl, lest the former take too little from it and thereby benefit the latter.
14. This is explained in the Gemara.
15. In the first case the warmth is not appreciably increased, whilst in the second the increase is of no advantage.
16. The addition of heat there being of no benefit.
17. I.e., there is so much in it that it goes back to the host unemptied. Another meaning: that continually goes back to the host to be replenished. In that case the maddir does not benefit the muddar by taking a small portion.
18. The employer used to provide a large bowl of food for his workmen, out of which they all ate.

Folio 42a

MISHNAH. HE WHO IS FORBIDDEN BY VOW TO BENEFIT FROM HIS NEIGHBOUR, [IF THE VOW WAS IMPOSED] BEFORE THE SEVENTH YEAR,(1) MAY NOT ENTER HIS FIELD [IN THE SEVENTH YEAR](2) NOR TAKE OF THE OVERHANGING [FRUIT].(3) BUT IF [THE VOW WAS IMPOSED] IN THE SEVENTH YEAR, HE MAY NOT ENTER HIS FIELD, BUT MAY EAT OF THE OVERHANGING BRANCHES.(4) IF HE WAS [MERELY] FORBIDDEN IN RESPECT OF FOOD [BUT NOT ALL BENEFIT], [AND THE VOW WAS IMPOSED] BEFORE THE SEVENTH YEAR, HE MAY ENTER HIS FIELD, BUT MAY NOT EAT OF ITS FRUITS; BUT [IF IT WAS IMPOSED] IN THE SEVENTH YEAR, HE MAY ENTER [HIS FIELD] AND EAT [OF ITS FRUITS].

GEMARA. Rab and Samuel both ruled: [If one says to his neighbour], 'This my property [be forbidden] to you', [if he vowed] before the seventh year, he may not enter his field or take of the overhanging [fruits] even when the seventh year arrives. But if he vowed in the seventh year, he may not enter his field, yet may enjoy the overhanging [fruits]. R. Johanan and Resh Lakish both maintained [If one says to his neighbour,] 'This my property [be forbidden] to you'; [if he vowed] before the seventh year he may neither enter his field nor eat of the overhanging [fruits]; when the seventh year arrives, he may not enter his field, yet may eat of the overhanging [fruits].

Shall we say that they differ in this: Rab and Samuel hold that a man can prohibit [unto others] that which is in his ownership, [for the prohibition to be effective] even after it passes out of his ownership;(5) whilst R. Johanan and Resh Lakish maintain: One cannot prohibit [unto others] that which is in his ownership [for the prohibition to continue even] after it leaves his ownership? Now can you reason so? Does anyone rule that a person cannot declare prohibited that which is his, even after it passes out of his ownership? If so, let them differ with reference to 'this property [be forbidden etc.],' and how much more so would it apply to 'this my property!'(6) Moreover, we have learnt that a person can declare prohibited that which is in his ownership for even after it leaves his ownership. For we learnt: If one says to his son, 'Konam, if you benefit from me,' — if he dies, he inherits him.(7) [But if he explicitly stipulates] during his lifetime and after his death,

1. Lev. XXV, 1-7. The seventh year was called the year of release. The land was not to be ploughed or sowed, and its crops, with certain reservations, were free to all.
2. To gather of its crops, since he is forbidden 'the treading of the foot'. Cf. Mishnah on 32b.
3. I.e., if the maddir has a tree close to his boundary, and the fruit overhangs the muddar's field, so that it is possible for the muddar to take of the fruit without entering the maddir's land, he is still forbidden to do so.
4. [Omitted in the printed Mishnayoth version].
5. Consequently, though in the seventh year the crops do not belong exclusively to their owner, being free to all, yet the vow made before retains its validity, forbidding the muddar to take even of the overhanging fruits.
6. I.e., even if one says, 'This property be forbidden to you', R. Johanan and Resh Lakish maintain that the vow is ineffective for the seventh year, when the crops are

no longer his. The same will hold good with even greater force, if he vows 'this my property' etc., for in that case he appears to limit the incidence of the vow to the period in which it is his.

7. For it is his by right.

if he dies he does not succeed him! — Here it is different, because he [explicitly] stated during his lifetime and after his death.(1) Yet at all events there is a difficulty?(2) — But [explain the dispute thus:] There is no dispute at all in respect of 'this property etc.'(3) They differ [only] in respect of 'My property etc.' Rab and Samuel maintain: There is no difference between 'This property' or 'my property': one can prohibit [for all time]. But R. Johanan and Resh Lakish maintain: [By saying,] 'This property,' he can prohibit; my property,' he cannot prohibit. But does anyone maintain that there is no difference between 'this property' and 'my property'? But we learnt: If one says to his neighbour, 'Konam, if I enter your house,' or 'if I purchase your field,' and then the owner dies or sells it, 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, he is forbidden! — But [explain thus:] R. Johanan and Resh Lakish refer to 'my property'; Rab and Samuel to 'this property': and they do not differ.

BUT [IF THE VOW WAS IMPOSED] IN THE SEVENTH YEAR, HE MAY NOT ENTER HIS FIELD etc. Why may he eat of the overhanging [fruits] — because they are [now] ownerless? But the land too is ownerless.(4) — Said 'Ulla: This refers to trees standing on the border.(5) R. Simeon b. Eliakim said: It is forbidden lest he stand and linger there.(6)

MISHNAH. HE WHO IS FORBIDDEN BY VOW TO BENEFIT FROM HIS NEIGHBOUR MAY NEITHER LEND TO HIM NOR BORROW FROM HIM NOR ADVANCE HIM OR RECEIVE FROM HIM A LOAN.(7) HE MAY NEITHER SELL TO NOR PURCHASE FROM HIM.

1. But otherwise it may well be that the validity of a vow ceases when its subject is no longer under the control of the maddir.
2. Sc. the first.
3. The vow remains valid even in the seventh year.
4. In the sense that every person has the right to enter and take of its crops.
5. Therefore, since it is unnecessary to enter the field, it is not ownerless.
6. The land is ownerless only in respect of entering and taking its crops: this done, it reverts to its real owner. But we fear that the muddar, having eaten his fill, may tarry there, which is forbidden to him.
7. Yalwenu (lawah) and yash'ilenu (sha'al) refer to money and utensils respectively.

Folio 43a

GEMARA. As for 'HE MUST NOT LEND TO HIM,' that is well, since he [thereby] benefits him. But 'HE MUST NOT BORROW FROM HIM' — how does he benefit him? Further, [even] 'HE MUST NOT RECEIVE A LOAN FROM HIM' and 'HE MUST NOT PURCHASE FROM HIM' are well, since he [the muddar] may benefit.(1) But 'HE MUST NOT BORROW FROM HIM': how does he [the muddar] benefit? — Said R. Jose son of R. Hanina: It means e.g., that they made a vow not to benefit from one another. Abaye answered: He is forbidden to borrow, lest he also lend, and the same applies to the other clauses.(2)

MISHNAH. IF ONE SAYS TO ANOTHER, 'LEND ME YOUR COW, TO WHICH THE OTHER REPLIES, 'IT IS NOT FREE'; WHEREUPON HE EXCLAIMS, 'KONAM, IF I EVER PLOUGH MY FIELD WITH IT', IF HE GENERALLY PLOUGHED HIMSELF, HE IS FORBIDDEN,(3) BUT OTHERS ARE PERMITTED. BUT IF HE DID NOT GENERALLY PLOUGH HIMSELF, HE AND ALL MEN ARE FORBIDDEN.(4) IF ONE IS FORBIDDEN BY VOW TO BENEFIT AUGHT FROM HIS NEIGHBOUR, AND HE HAS NAUGHT TO EAT, HE [THE MADDIR] CAN GO TO THE SHOPKEEPER AND SAY, SO-AND-SO IS FORBIDDEN BY VOW TO BENEFIT AUGHT FROM ME, AND I DO NOT KNOW WHAT TO DO'. THE SHOPKEEPER MAY THEN SUPPLY HIM, AND COME AND RECEIVE PAYMENT FROM HIM [THE MADDIR]. IF HE HAD HIS [THE MUDDAR'S] HOUSE TO BUILD, OR HIS FENCE TO ERECT, OR HIS FIELD TO REAP, HE [THE MADDIR] MAY GO TO LABOURERS, AND SAY, 'SO-AND-SO IS FORBIDDEN BY VOW TO BENEFIT AUGHT FROM ME, AND I DO NOT KNOW WHAT TO DO.' THERE UPON THEY WORK FOR HIM [THE MUDDAR]. AND COME AND RECEIVE WAGES FROM HIM [THE MADDIR]. IF THEY ARE WALKING TOGETHER ON THE ROAD, AND HE [THE MUDDAR] HAS NOTHING TO EAT, HE [THE MADDIR] CAN MAKE A GIFT TO A THIRD PERSON, AND HE [THE MUDDAR] IS PERMITTED [TO HAVE] IT. IF THERE IS NO OTHER WITH THEM, HE PLACES IT ON A STONE OR A WALL, SAYING, 'THIS IS FREE TO WHOMEVER DESIRES IT'; AND THE OTHER TAKES AND EATS IT. BUT R. JOSE FORBIDS THIS.

GEMARA. R. Johanan said, what is R. Jose's reason? He maintains that hefker(5) is like a gift: just as a gift [is not valid] until it passes from the possession of the giver into that of the receiver, so hefker too [is not valid] until it passes into the ownership of him who acquires it.(6) R. Abba objected: And the other [the muddar] takes and eats it; but R. Jose forbids this. Said R. Jose: When is that? If the vow preceded his renunciation;

1. For the maddir may borrow worn coins, and return new ones. As the value of coins depended to some extent on their weight, the muddar would benefit. Likewise, the maddir may not purchase an article for which there is no demand, and for the same reason.
2. By 'other clauses' the reference is only to borrowing money. — Asheri.
3. To plough the field with that cow, if it is subsequently lent to him.
4. For his vow must have referred to others.
5. V. Glos.

6. I.e., when a person declares a thing to be hefker, it does not immediately cease to be his, but remains his property until taken. Thus the muddar takes the maddir's food.

but if his renunciation preceded his vow, it is permitted. Now if you say [that it belongs to the first owner] until it comes Into the possession of him who acquires it, what does it matter whether his vow preceded his renunciation or the reverse? — He raised the objection and answered it himself: He who vows has no thought of what he has renounced.

Raba objected: [If the dying person assigned] part [of his property] to the first, and all of it to the second, [and then recovered,] the first acquires, but not the second!(1) But Raba said, This is R. Jose's reason: It is a preventive measure, on account of the gift of Beth Horon.(2)

It was taught: If one declares his field hefker: he can retract within the first three days, but not after.(3)

1. V. B.B. 148b. The law of a sick person likely to die is this: If he assigns all his property to anyone, and then recovers, his gift is invalid, it being assumed that it was made only on account of expected death. But if he leaves part for himself, it is valid; for, we argue, were it on account of approaching death, he would have left nothing for himself. Here, when he made the first assignation, part was still left for himself: hence it remains valid on his recovery. But after the assignation of the second nothing is left: consequently, on his recovery, it is null. Now, if it is maintained that a gift is not valid until the recipient actually takes possession, why is it more valid for the first than for the second: just as the portion assigned to the second is the residue left by the first, so that assigned to the first may be regarded as the residue left by the second? — So Rashi. On this interpretation, 'all of it' means 'the rest of it'. Asheri and Tosaf., however, point out that in such a case both gifts would be null on recovery, since he leaves after all nothing for himself. Accordingly, they explain thus: He assigned part of his property to A, then all to B, meaning also that already assigned to A. Consequently his gift to B was the result of a new intention, not borne in mind when making his first gift. Now, just as in making a gift, the donor intends it to apply even to that which he has already given away, as shewn, so when one vows, the vow is made even with respect to that which he has previously declared hefker. This refutes the distinction drawn by R. Abba. — Ran has a variant reading of this passage.
2. V. 48a. There it is a case of a gift being an obvious evasion; so here too, his declaration of hefker does not appear genuine but as a mere evasion of his vow.
3. This is in reference to the tithe. No tithe was due on produce taken from ownerless fields. Now, if he either revokes his declaration within the first three days, or takes possession without a formal retraction, his declaration is null: consequently, it has never been ownerless, and the crops must be tithed. But after three days, the declaration has legal force. Naturally, if no one else takes possession thereof, he can do so himself, but whether he or another, it is free from tithe.

Folio 44a

If he declares, 'Let this field be hefker for one day, one week, one year, or one septennate';(1) before possession has been taken thereof, whether by himself or by a stranger, he can retract. But if it has [already] been acquired by himself or by a stranger, he cannot retract. [Must we assume that] the first clause agrees with the Rabbis, and the second with R. Jose?(2) — Said 'Ulla: The second clause too agrees with the Rabbis. If so, why 'before possession has been taken thereof, whether by himself or by a stranger, he can retract?' — [Hefker for] a year or a septennate is different, being unusual.(3) Resh Lakish said, Since the second clause agrees with R. Jose,(4) the first too must agree with him. But this is the reason of the first clause:(5) that the law of hefker may not be forgotten.(6) If so, let it be hefker even from the first day? — Said Rabbah, This is on account of evaders, who may declare their property hefker, and then reacquire it.(7) [Will you maintain] that by Biblical law it is not hefker:(8)

1. After the end of which it is to revert to himself, if no one has taken possession in the meanwhile.
2. For since he cannot retract after three days even though no person has taken possession, it is evident that hefker is legally valid even before it reaches another. This agrees with the view of the Sages that the maddir can declare his property hefker and the muddar acquire it without its being regarded as passing direct from one to the other. But the second clause, stating that he can retract so long as no one has taken possession, shews that until then it is legally his. This agrees with R. Jose, that the maddir cannot declare his property hefker for the muddar to acquire it.
3. 'Ulla interprets the whole Baraitha on the view of the Rabbis. Consequently, if one declares his property hefker, it immediately becomes so, and should the first owner take possession thereof, even immediately, the law of hefker applies thereto, rendering it free from tithe. That it is by Biblical law. Since, however, this is manifestly exposed to abuse, for by a legal fiction everyone could thus evade the tithe, the Rabbis enacted that the law of hefker should apply only after three days, during which a stranger can take possession. So Rashi and Asheri appear to interpret it, though according to the latter, if the first owner resumes possession within three days, explicitly declaring that he is acquiring hefker but not retracting, the crops are exempt From tithe. Ran and Tosaf. explain that within the first three days he can retract even if a stranger has already taken possession thereof. In N.M. 453, 9 the first interpretation is accepted. But in the second clause, the declaration itself is weak, being limited to a certain Period. Consequently the Rabbis admit that it is not valid until one has actually taken possession. — It may be asked, if it is hefker even if re-acquired by the first owner, of what use is the enactment? The answer is that to acquire hefker it is insufficient to make a mere declaration of acquisition, but some work must be done in the field. Before the owner has time to do this, he may be forestalled: that is regarded as a sufficient check to evasion (v. Rashi).
4. Resh Lakish accepts the obvious implications.
5. That 'after three days, the declaration is binding', even if no one has taken possession thereof.

6. For if we rule that whenever the owner resumes possession, it is not regarded as hefker. it will be forgotten altogether that hefker is exempt from tithe. Therefore the Rabbis ruled that after three days the declaration is binding. Nevertheless, since on this view it is not, Biblically, hefker even after three days if no stranger has taken possession, the crops are not Free from tithe on the first owner re-acquiring them, for the Rabbis have no power to exempt crops which by Biblical law are liable, as is explained infra.
7. V. p. 139, n. 5.
8. V. n. 3.

but perhaps he will come to tithe from [produce] that is liable for [produce] that is exempt, or vice versa?(1) — He is told, 'When you tithe, tithe for it out of itself.'(2)

An objection is raised: If a man declares his vineyard hefker and rises early on the following morning and vintages it,(3) he is liable to peret,(4) 'oleloth,(5) the forgotten sheaves,(6) and pe'ah,(7) but he is exempt from tithe. Now as for 'Ulla, it is well: it states the rabbinic law, and states the Biblical law.(8) But on the view of Resh Lakish, why is he free from tithe?(9) — He answers you thus: My statement is based on R. Jose; whilst this accords with the Rabbis.(10)

1. The tithe could be separated from one lot of produce upon another (of the same species), providing that both bore the same liability. E.g if one harvests his two fields, he can take From one the tenth of the combined produce. If, however, he separates a tithe of one field, thus freeing the rest, he cannot take another tithe from the same for the second field. Similarly, if he has two lots of corn, one liable to tithe by Biblical law, and the other only by Rabbinical law, so that by Biblical law it is really exempt, he may not separate from the one for the other. Now it has been explained here that according to R. Jose, so long as no stranger has taken possession, it is not hefker by Biblical law even after three days. and consequently Biblically liable. But by Rabbinical law it is hefker, even if the original owner re-acquires it. Nevertheless, as explained on p. 139, n. 5, the Rabbis ordered that he shall tithe it. Thus, in this respect, the Rabbis restored it to Biblical law. But the owner, being told that it is hefker, may regard the liability to tithe as merely a Rabbinical measure, and therefore, if he has any other corn which is only Rabbinically liable, separate from the one, which is really Biblically exempt, For the Biblically liable, or vice versa.
2. Only in this respect is it regarded as hefker even if the first owner resumes possession.
3. Thus he resumed possession thereof.
4. Single grapes fallen off during the cutting, which must be left for the poor. — Lev. XIX, 10.
5. 'Olelah, 'oleleth, pl. 'oleloth, gleanings reserved for the poor; in general, a small single bunch on a single branch. Ibid. and Deut. XXIV, 21.
6. Sheaves (here grapes) forgotten in the course of ingathering, which had to be left for the poor. — Deut. XXIV, 19.
7. Pe'ah — corner; the corner of the field left for the poor. — Lev. XIX, 9.
8. 'Ulla maintains that the Baraitha in stating that he can retract within the first three days, teaches the Rabbinical law, whereas this Baraitha states the Biblical law according to which it is hefker immediately.
9. Since he maintains that within the first three days it is not hefker even by Biblical law, and hence subject to tithes, and even after that it is hefker only by Rabbinical law, why is it taught here that on the very next day it is free from tithe?

10. Who maintain in the Mishnah that it is hefker immediately, hence free from tithe.

Folio 45a

Alternatively: One case refers to hefker declared in the presence of two; the other, if declared before three. For R. Johanan said in the name of R. Simeon b. Jehozadak: Hefker declared in the presence of three is valid, but not in the presence of two.(1) R. Joshua b. Levi said: By the Torah, it is hefker even if declared in the presence of one: why then are three required? So that one can take possession, and the other two attest it.(2)

1. Until one actually takes possession. Therefore, in the Mishnah, since no person is present, R. Jose maintains that if the maddir declares the food hefker, and the muddar takes it, he receives it directly from the maddir. But the vineyard, we assume, was renounced in the presence of three; therefore even R. Jose agrees that the renunciation is immediately valid. Hence, if he re-acquires it, it is exempt from tithe. The stronger validity of hefker in the presence of three is due to its greater publicity.
2. For otherwise the first owner can deny his renunciation.

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.

Folio 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 NEIGHBOUR'S PORTION, AND I DO NOT ENTER INTO YOURS. IF ONE IS FORBIDDEN BY VOW TO BENEFIT FROM HIS NEIGHBOUR, 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 NEIGHBOUR, '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 VOW(5) TO BENEFIT FROM THE OTHER … and the Rabbis dispute it! — Learn, forbade himself from his neighbour.(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.

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 NEIGHBOUR, 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'. for , 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.]

Folio 47a

IF ONE SAYS TO HIS NEIGHBOUR etc. Abimi(1) propounded: What [if one says to his neighbour.] '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 neighbour's property, he can [likewise] forbid to himself what is not yet in existence;(3) but as for his neighbour, since one cannot prohibit another's produce to his neighbour, 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.

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 neighbour?(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 NEIGHBOUR.] '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 neighbour, 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.

Folio 48a

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 NEIGHBOUR AND HAS 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 HORON(10) 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 NEIGHBOUR, '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 my(3) grandson be a scholar, it shall be his.'(4) Now, what is the law? — The Pumbedithans(5) 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 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.(9) 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.

Folio 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 EGG(3) 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 boiled(8) the Passover in fire, according to the law.(9) 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 , 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. [Gr. 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 includes these.
8. Heb. , impf. of of which is a pass. part.
9. II Chron. XXXV, 13. But the Passover Sacrifice had to be roasted; hence 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 none(5) to make enquiries of the epicureans(6) of Huzal(7) 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 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:(9) 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 figs(14) 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 matron(16) said to R. Judah, 'A teacher and drunkard!'(17) He replied, You may well believe me that(18) I taste [no wine] but that of Kiddush and Habdalah(19) 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 min(23) 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 honours the worker.'(26) R. Simeon used to carry a basket upon his shoulders, saying likewise, 'Great is labour, for it honours 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. I.e., you are a Sage, yet you are drunk! His faces was always red and shining, giving that impressions.
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.

Folio 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'a(3) 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 the 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 denarii. 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]

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. .
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. a stem, trunk: Rashi translates: a ship's coffer, from to hide, and , 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 (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 Keti'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's(3) 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 earthern jars.' she answered. 'But all [common] people store [wine] in earthern 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 Judah(5) for a lawsuit, and was declared guilty by the court. 'Would your teacher Samuel(6) have judged thus?' she said. 'Do you know him then?' he asked. 'Yes, He is short and big-stomached, black and large teethed.' '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 denarii. 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 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 denarii 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. Keti'a b. Shalom was condemned to death by a Roman emperor — probably Hadrian — for giving counsel against the emperor and in favour 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 neighbour'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.

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.

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.(9) 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'ayim(13) 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 with the croaking of frogs. Asheri, Rosh and Tosaf: 'in the rounds', perhaps connecting it with 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 . 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 Baraitha proves that remuzah indicates the place of origin, not the manner of its preparation. Obermeyer a.l. regards as a form of 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 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 NOT(7) 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 Iarge? — 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.

Folio 52a

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 US(2) [EVEN] EGGS BOILED THEREWITH. THEY 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]. IT(3) 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 JUICE(2) 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)

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.

Folio 53a

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. winter, remaining on the tree till winter.
2. As here, the vinegar being called 'winter grapes vinegar'.
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. (pl.) probably fr. (sun-flower), sesame.
10. pl. (), 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;(9) '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.

Folio 54a

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 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 principal(10) 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.

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 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:(7) It refers to one whose eyes ache, fish being injurious to the eyes. If so, he should eat fish, for Samuel said, Nun, Samek, 'Ayin(8) [read] Nuna [fish] sama [are a healing] la-'enayim [to the eyes]! — That is at the end of the illness.(9)

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. explains this: If one buys an animal and finds that the entrails are unfit fir 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.

Folio 55a

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 he 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 both(6) 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 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 'allalta(9) from Nehar Pania(10) 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 seat(13) 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 sink(18) into the earth, as it is written, Which is pressed down(19) 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. (cf. Lam. I, 22: and do unto them, as thou has done unto me) 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 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.
16. I.e., it becomes his safe possession.
17. From the heights he is hurled down into the valley.
18. Var. lec. pressed down — — which has a more obvious connection with the verse adduced.

19. E.V. 'which looketh', is here connected with to strike (down).

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 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, basket(17) or matting for the sane 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.
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 he worn.
11. 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 was a hollow belt used as a pouch.
14. A band or sash; Lat. fascia.
15. The word is the plural of , 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.

Folio 56a

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 land(4) 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 house(5) 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 best(7) of his houses is meant.(8)

MISHNAH. ONE WHO VOWS [ABSTINANCE] FROM A BED IS PERMITTED DARGESH:(9) 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 times(12) 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 times(12) 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 lowered(14) 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. , V. B.B. 61a. So curr edd. Ran and Wilna Gaon emend it to 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. [may mean either an apartment or a whole house, v. B.B. (Sonc. ed.) p. 247. n. 6.]
6. 'Apartment'.
7. fr. , lit., 'the highest'.

8. I.e., the purchaser can demand the best of his houses, the phrase in Hebrew denoting the superlative. But if he simply sold him a 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 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.

for it may be similar to the trestle(1) 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 uncleanliness?(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?(9) 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 poles(10) 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-STOP(16) 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, because it is written 'out of the house', implying that he must go right out of the house.

1. , 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 he smoothed at all?
10. , 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 he 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 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 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.

Folio 57a

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 SAYS, KONAM] BE ANY BENEFIT YOU HAVE FROM ME UNTIL PASSOVER, IF YOU GO TO YOUR FATHER'S HOUSE UNTIL THE FESTIVAL(4) 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. where unspecified denotes generally the Festival of Succoth, cf. I Kings VIII, 2.

IF SHE GOES AFTER PASSOVER(1) 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 Dima(4) — propounded(5) 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 Torata(10) 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 tree(12) 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 tithed(16) 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 otherwise .
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.
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. , 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 he 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.

Folio 58a

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'ayim 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, my(12) 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 he 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 he 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 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 if 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 plants(1) 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 tithe(17) and [is subject to the laws of] the Sabbatical year,(18) whilst as for the [original] litra, a tithe thereof must be seperated 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 Baraitha 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 thereon to enjoy 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 feet a sabbath unto the Lord
14. But 'orlah is prohibited through immaturity, and 'diverse seeds' (kil'ayim) 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.

Folio 59a

— 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: Vows(3) 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 priests 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 Rabbah(14) was sitting and stating this law, whereupon R. Hisda said to him: Who will obey you and R. Johanan your teacher: whither has the 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 he 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.

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 he 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 lahour is required to produce the excess.

Folio 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 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 PENE(11) PASSOVER,' R. MEIR SAID: HE IS FORBIDDEN UNTIL IT ARRIVES; R. JOSE SAID: UNTIL IT GOES.

GEMARA. 'KONAM, IF I TASTE WINE' etc. R. Jeremiah(12) 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.

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 detective (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 , 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'.

Folio 61a

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 'to-day'! — 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 too(12) 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.

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 senior(3) 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,' 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 KNIVES(9) 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 shews 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. , 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.]

Folio 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 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 honour 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 them(17) 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.: '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.
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 honour 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.

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 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 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.

Folio 63a

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 Baraitha 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 — '(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 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 dictinction 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 NEIGHBOUR '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 HONOUR ME? THIS [NON-ACCEPTANCES] IS MY HONOUR. LIKEWISE, IF HE SAYS TO HIS NEIGHBOUR, 'KONAM, IF YOU BENEFIT FORM 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 NEIGHBOUR 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 NEIGHBOUR 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 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.

Folio 64a

CHAPTER IX

MISHNAH. R. ELIEZER SAID: ONE MAY SUGGEST TO A MAN AS AN OPENING [FOR ABSOLUTION](1) THE HONOUR OF HIS FATHER AND MOTHER BUT THE SAGES FORBID.(2) SAID R. ZADOK: INSTEAD OF GIVING THE HONOUR OF HIS FATHER AND MOTHER, LET US SUGGEST THE HONOUR 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 HONOUR IS SUGGESTED AS AN OPENING. R. ELIEZER ALSO RULED: A NEW FACT(5) 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 dishonours 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 honour 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 dishonoured 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 HONOUR 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 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 he 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 honour 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' honour 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 ease 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.

Folio 65a

It was taught: He who is forbidden to benefit from his neighbour can have the vow absolved only in his [neighbour'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 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 Sanhedrin(8) 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 neighbour does not know of his absolution, he may suspect him of breaking his vow, (ii) he who vowed not to benefit from his neighbour — presumably for his neighbour'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.

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.

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 NEIGHBOUR 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 DENARII.(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 DENARII, 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 denarii. 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 denarii and one hundred denarii 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 denarii 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.

Folio 66a

It means that the kethubah deed is not torn up.(1)

MISHNAH. THE SABBATHS AND FESTIVALS(2) 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. 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 ONION(4) 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 HONOUR, AND THE HONOUR OF HIS CHILDREN, MAY BE GIVEN AS AN OPENING. [THUS:] WE SAY TO HIM, 'HAD YOU KNOWN THAT TO-MORROW 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 DAUGH TERS 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 SAUL, YE DAUGHTERS OF ISRAEL, WEEP OVER SAUL.(10)

GEMARA. A story [is quoted] contradicting [the ruling]!(11) — The text is defective(12) 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 he 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 he 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 he 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 false(1) 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 Difti(8) 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.

A man once said to his wife, 'Konam that you benefit not from me, until you shew aught beautiful(9) 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 he 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 he 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.

Folio 67a

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 that(1) is the same as the first clause. HER FATHER AND HUSBAND 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) there fore 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) — Rabbah(7) 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.

— 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)

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.

Folio 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 over(10) 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.
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.

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.

Folio 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 arises whether the annulment cancels the confirmation or not.

— 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.

Folio 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 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 BOGERETH(8) 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.

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, these(4) 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 her(7) 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 [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.

Folio 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 known(3) 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 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.

Folio 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.
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.
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.

Folio 73a

— 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 drink(4) simultaneously, because each is emboldened(5) 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 Mishnah(3) 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 yabam(7) does not authorize her to eat terumah.(8) If she spent six months in the lifetime of(9) 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: 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 view(14) 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.

Folio 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 YABAM(5) AS AN ARUSAH IS TO HER [BETROTHED] HUSBAND.(6)

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-wife(14) 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 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.

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, 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.

— 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 front 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 they(13) 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 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.

Folio 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.

— 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. 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.]

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We learnt elsewhere: Vows may be annulled(1) on the Sabbath, and absolution from vows(2) 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)

Now, R. Joseph thought to rule that absolution may be granted(9) 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 absolution(13) 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 he.
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. ; 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.

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 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, 'It is annulled for thee'; a Sage, '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.

Folio 78a

'This is the thing', [implying] only a Sage can absolve, but a husband cannot absolve. Another [Baraitha] 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 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 Creation(10) 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 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 her(4) 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?

Folio 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.

CHAPTER XI

MISHNAH. NOW THESE ARE THE VOWS WHICH HE(10) 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 , 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 thee 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-deprival.
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 be could not remarry her, v. infra 85a.
6. I.e., even if she marries another, the annulment holds good.
7. I.e. if he divorces her and she marries another, the vow resumes its force.

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.
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.

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 company(3) 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 (mi-dalyaw]:(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 keeness and understanding than studying alone.
4. Or, not to neglect their teaching (Ran).
5. Num. XXIV, 7.
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, 'prepare(4) 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 learnt this: [If she vows,] 'May I be removed from all Jews,'(11)

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.

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.

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 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.

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 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 Baraitha. 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.

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 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 honoured, 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.

Folio 84a

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.

whilst the Sages say: He must designate [it], but need not separate it.(1) Now surely he who maintains that the doubt(2) 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 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. Hoshaia:(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 neighbour'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 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.

Folio 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 FOR(7) 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.(8) R. AKIBA SAID: HE MUST ANNUL IT, LEST SHE EXCEED HER OBLIGATIONS.(9) 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.

she may work and provide for herself, and as for the surplus, R. Meir(1) 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, konamoth(6) are different: since a man can interdict his neighbour'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 neighbour's fruit to himself, since he can forbid his own fruit to his neighbour: but shall he forbid the non-existent to his neighbour, seeing that he cannot interdict his neighbour's fruit to his neighbour!(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 neighbour's property.
8. Abaye objects that the analogy is defective. For in both cases cited by R. Joseph. viz., prohibiting his neighbour'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.

Folio 86a

— Said R. Elai: What if a man declares to his neighbour, '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 neighbour, '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 neighbour. '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 neighbour. '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)

MISHNAH. IF HIS WIFE VOWED, AND HE TOUGHT 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 her'(7) 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.

Folio 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. 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.(9) 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 Baraitha means that he rent his garment without specifying for whom (v. Tosaf.), but in the Mishnah he explicitly designated the wrong person.
4. , 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 Baraitha just cited is thus regarded as contradictory to the first. On this reading (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 Baraithas (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 Baraitha; 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.

but if he annulled it in respect of figs, it(1) 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)

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]:(9) 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. Yekimennu is taken as a contraction of yakim mimmenu, 'he shall confirm part of it'.
3. Though yeferenu itself cannot bear that meaning, it is nevertheless so rendered by analogy with yekimennu. 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 neighbour, 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.

Folio 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 neighbour, 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 neighbour] 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 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.(7) 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 'erub(4) 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 Mishnah(8) 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 shews 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 Baraitha) refers to the case where she has no court of her own.

11. Num. XXX, 10.

Folio 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 VOWS(14) 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 he 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 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.'

[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 BOGERETH(4) 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.
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. is the ladder by which one ascends the palm tree to gather its dates; , 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.

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then daubed him with clay(1) 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. . This is merely quoted as a sign. is similar to (and he shall disallow her), whilst is connected with 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.
10. Here it is explicitly stated that be 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.

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 ANOTHER(8) 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. [. 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. 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 honour 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.

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 account(3) 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.

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.

perfume sellers(1) 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'.