

# VII.

---

## BAVLI KETUBOT CHAPTER SEVEN

### FOLIOS 70A-77B

#### 7:1

- A. He who prohibits his wife by vow from deriving benefit from him
- B. for a period of thirty days, appoints an agent to provide for her.
- C. [If the effects of the vow are not nullified] for a longer period, he puts her away and pays off her marriage contract.
- D. R. Judah says, “In the case of an Israelite, for [a vow lasting] one month he may continue in the marriage, but for two [or more], he must put her away and pay off her marriage contract.
- E. “But in the case of a priest, for two months he may continue in the marriage, and after three he must put her away and pay off her marriage contract.”

#### 7:2

- A. He who prohibits his wife by vow from tasting any single kind of produce whatsoever
- B. must put her away and pay off her marriage contract.
- C. R. Judah says, “In the case of an Israelite, [if the vow is] for one day he may persist in the marriage, but [if it is] for two he must put her away and pay off her marriage contract.

- D. “And in the case of a priest, [if it is] for two days he may persist in the marriage, but [if it is] for three he must put her away and pay off her marriage contract.”

7:3

- A. He who prohibits his wife by a vow from adorning herself with any single sort of jewelry must put her away and pay off her marriage contract.
- B. R. Yosé says, “In the case of poor girls, [if] he has not assigned a time limit [he must divorce them].
- C. “But in the case of rich girls, [he may persist in the marriage if he set a time limit] of thirty days.”

- I.1** A. [He who prohibits his wife by vow from deriving benefit from him:] *But since the husband is obligated to support her, how can he take any such oath? Does he have the power to remove his obligation? And have we not learned in the Mishnah: If she said, “Qonam if I work for you,” he need not annul that vow, which is null to begin with [R. Aqiba says, “Let him annul it lest she do more work for him than is required.” R. Yohanan b. Nuri says, “Let him annul it, lest he divorce her, and she be prohibited from returning to him]” [M. Ned. 11:4B-D]? Therefore, since she is obligated to him, she does not have the power to nullify that obligation to him. Here, too, since he is obligated to her, he does not have the power to nullify that obligation to her. But since he has the power to say to her, “Deduct the proceeds of your wages from your upkeep,” [70B] it is as though he said to her, “Deduct the proceeds of your wages from your upkeep.”*
- B. *But if what R. Huna said in Rab’s name is valid – for said R. Huna said Rab, “A woman has the power to say to her husband, ‘I shall not accept maintenance from you, and I do not want you to benefit from the work that I do,’” if she said, “Qonam if I work for you,” why would he not have to annul that vow? Why not say, since she can say to him, “I shall not accept maintenance from you, and I do not want you to benefit from the work that I do,” in this case it is as though she had said to him in the present case of taking a vow, “I shall not accept maintenance from you, and I do not want you to benefit from the work that I do”?*
- C. So the proper explanation is not that he is regarded as if he had said to her..., but that he really did say to her, “Deduct the proceeds of your wages from your upkeep.”
- D. *If so, what in the world does she need with an agent to provide for her?*

- E. *It would be required in a case in which her earnings do not suffice [to meet her entitlement].*
- F. *Well, then, here comes our old question again!*
- G. Said R. Ashi, "It's a case in which her earnings suffice for important things but not unimportant things."

**I.2** A. *Now how shall I imagine these "unimportant things"? If she is used to them, then she is used to them [and they are owing], and if she is not used to them, what need do I have for an agent to take care of her?*

B. *The fact is, he is required to deal with a case in which she was used to them in her father's house, but agreed to give them up when she was with her husband. Then she can say to him, "Up to now, before you took your oath, I went along with you, but not that you have taken an oath that I cannot enjoy any benefit from you, I'm not going to go along with you any more."*

- II.1** A. **[...for a period of thirty days...:] Why thirty days in particular?**
- B. *For thirty days people are not going to hear about the matter, so it's not embarrassing to her, but after thirty days, people are going to hear about it, so it will be embarrassing to her.*
  - C. *If you prefer, I shall say: We deal with a case in which he took the oath while she was betrothed to him [and doesn't have to maintain her].*
  - D. *So does a betrothed girl have a claim on support anyhow?*
  - E. *It's a case in which the time had come and he had not yet married her, for we have learned in the Mishnah: **If the time came and they were not married, she in any event is supported by him And she eats food in the status of priestly rations [if he is a priest, and she is not] [M. 5:2D-E]. And then, why thirty days in particular?***
  - F. *For thirty days the agent will do his job, for more than that, he won't do his job.*
  - G. *If you prefer, I shall say: We deal with a case in which he took the oath while she was betrothed to him, and then she got married to him.*
  - H. *Well, if she married him, lo, she examined the situation and accepted it.*
  - I. *What she says is, "Well, I thought I could take it, but now I can't take it."*
  - J. *While there is no problem in invoking such an argument in the case of bodily defects, as to support, do we invoke such a claim?*

K. *I guess what we said earlier makes more sense.*

**III.1 A. For a period of thirty days, appoints an agent to provide for her:**

- B. *So isn't the agent simply doing the bidding of the husband? [How does this solve the problem?]*
- C. Said R. Huna, "We deal with a situation in which the husband says, 'Whoever feeds my wife won't lose out.'"
- D. *So if the husband makes such a statement, isn't the agent simply doing the bidding of the husband? [How does this solve the problem?] And have we not learned in the Mishnah: **He who had been cast into a pit and said, "Whoever hears his [my] voice – let him write a writ of divorce for his [my] wife" – lo, these should write and deliver it to her [M. Git. 6:6A-B]**?*
- E. *But how are the two cases parallel? In that case he actually uses the language, **let him write**, but here, has he used the language, **let him feed**? What he has said is, "Whoever feeds my wife won't lose out!"*
- F. But lo, said R. Ammi, "In the case of a fire, sages have permitted one to say, 'Whoever puts it out won't lose' – "in the case of a fire" *excludes what case, then? Is it not to exclude a case of this kind?*
- G. *No, it serves to exclude any of the other prohibited actions on the Sabbath.*
- H. *Objected Rabbah: "**He who is forbidden by vow from deriving benefit from his fellow and has nothing to eat – he [the fellow] goes to a storekeeper where he is a regular customer and says, "Mr. So-and-so is forbidden by vow from deriving benefit from me, and I don't know what I can do for him," and he [the storekeeper] gives food to him [who took the vow] and then goes and collects from this one [against whom the vow was taken] [M. Ned. 4:7A-C]. This then is permitted, but the language, Whoever feeds my wife won't lose out, is not permitted!**"*
- I. *No, what we have is a statement of what goes without saying, specifically, there is no question that someone may declare, Whoever feeds my wife won't lose out, since he is not speaking to a particular person, but in this case, since the man is a regular in the store, should he make such a statement, it is as though he said to him, "Go, give him." So we are informed that that is not the case [and it is permitted to do even that].*

**III.2 A. Reverting to the body of the foregoing:**

- B. **He who is forbidden by vow from deriving benefit from his fellow and has nothing to eat – he [the fellow] goes to a storekeeper**

where he is a regular customer and says, “Mr. So-and-so is forbidden by vow from deriving benefit from me, and I don’t know what I can do for him,” and he [the storekeeper] gives food to him [who took the vow] and then goes and collects from this one [against whom the vow was taken]. [If] he [against whom the vow was taken] had to build his house [that of the one prohibited by vow from deriving benefit], or to set up his fence, or to cut the grain in his field, he [the fellow] goes to the workers and says to them, “Mr. So-and-so is forbidden by vow from deriving benefit from me, and I don’t know what I can do about it.” [Then] they [the workers] do the work with him [who took the vow] and come and collect their salary from this one [against whom the vow was taken]. [If] they were going on a journey and he [who had forbidden himself by a vow from deriving benefit from his fellow] had nothing to eat, he [against whom the vow was taken] gives something to another as a gift, and the other [who took the vow] is permitted to make use of it. If there is no one else with them, he [against whom the vow was taken] leaves it on a rock or on a fence and says, “Lo, these things are ownerless property for anyone who wants them.” Then the other [who is prohibited by vow from deriving benefit from his fellow] takes what he wants and eats it. And R. Yosé prohibits [such a procedure] [M. [Ned. 4:7-8](#)].

C. Said Raba, “What is the operative consideration behind the position of R. Yosé? [\[71A\]](#) It is because of the incident at Bet Horon.”

- IV.1** A. R. Judah says, “In the case of an Israelite, [if the vow is] for one day he may persist in the marriage, but [if it is] for two he must put her away and pay off her marriage contract. And in the case of a priest, [if it is] for two days he may persist in the marriage, but [if it is] for three he must put her away and pay off her marriage contract”:
- B. *So that’s just what the initial Tannaite authority has said!*
- C. *Said Abbaye, “It is his purpose to tell us the rule governing a wife of a priest.”*
- D. *Raba said, “What is at issue between them is the case of a full month of thirty days, and a defective month, of twenty-nine days [Judah holding that either constitutes a month].”*

- IV.2** A. Said Rab, “The authorities differ in a case in which the man spelled out the span of abstention, but if he did not specify the span of abstention, both parties concur that he has to divorce the wife forthwith and pay off her marriage settlement.”
- B. And Samuel said, “Even if the vow did not specify the span of abstention, too, he must wait the specified period, perhaps he may find a way of releasing his vow.”
- C. *Lo, concerning that issue, however, the two masters have already disputed, for have we not learned in the Mishnah: He who takes a vow not to have sexual relations with his wife – the House of Shammai say, “[He may allow this situation to continue] for two weeks.” And the House of Hillel say, “For one week”? And said Rab, “That statement has been made only in a case in which the man spelled out the span of abstention, but if he did not specify the span of abstention, both parties concur that he has to divorce the wife forthwith and pay off her marriage settlement.” And Samuel said, “Even if the vow did not specify the span of abstention, too, he must wait the specified period, perhaps he may find a way of releasing his vow.”*
- D. *It was necessary to set forth the dispute for both cases. For if it had been stated only in the case of the vow concerning sexual relations, it might have been that in that case Rab took the position that he did, for there would be no possibility of appointing a third party to provide for her, but in the other case, in which it was possible to set up a third party to provide support, I might have thought that he concurs with Samuel. And if the dispute were stated only in that case, in that case, for the same consideration, Samuel would have been thought to take the position that he did, but in this, I might have supported that he concurred with Rab. So it was necessary to set forth the dispute for both cases.*
- E. *We have learned in the Mishnah: He who prohibits his wife by vow from tasting any single kind of produce whatsoever must put her away and pay off her marriage contract. Now from the perspective of Rab [That statement has been made only in a case in which the man spelled out the span of abstention, but if he did not specify the span of abstention, both parties concur that he has to divorce the wife*

forthwith and pay off her marriage settlement,] *there is no problem [in harmonizing this ruling, which requires immediate divorce, and the one that allows a span of time to pass], since the one speaks of a vow that does not specify a period, the other, one that did. But from Samuel's perspective [Even if the vow did not specify the span of abstention, too, he must wait the specified period, perhaps he may find a way of releasing his vow], there is a genuine contradiction!*

F. *Here with what sort of a situation do we deal? It is one in which she took the oath and he confirmed it, and R. Meir maintains that he has put his finger between her teeth [and bears responsibility for the consequences].*

G. *But does R. Meir take that position? Has it not been taught on Tannaite authority: A woman who took an oath to be a Nazir and her husband heard and did not annul the vow for her – R. Meir and R. Judah say, “She has put her finger between her teeth; therefore, if he wanted to annul the vow, he may do so; and if he said, ‘I don’t want a wife who is a Nazir,’ he puts her away, without paying off her marriage contract.” R. Yosé and R. Eleazar [T.: Simeon] say, “He has put her finger between her teeth, for if the husband wanted to annul the vow, he can do so. And if he said, ‘I don’t want a wife who is a Nazir,’ she goes forth but she receives payment of her marriage contract”] [T. Naz. 3:12-13].*

H. *Reverse what is attributed, thus: R. Meir and R. Judah say, “He has put...,” R. Yosé and R. Eleazar say, “She has put....”*

I. *Then does R. Yosé really maintain that she has put...? And have we not learned in the Mishnah: R. Yosé says, “In the case of poor girls, [if] he has not assigned a time limit [he must divorce them]. But in the case of rich girls, [he may persist in the marriage if he set a time limit] of thirty days”?*

J. *Then read:* R. Meir and R. Yosé say, “He has put...,” R. Judah and R. Eleazar say, “She has put...”

K. *Then does R. Judah really maintain that she has put...? And have we not learned in the Mishnah:* **R. Judah says, “In the case of an Israelite, for [a vow lasting] one month he may continue in the marriage, but for two [or more], he must put her away and pay off her marriage contract. But in the case of a priest, for two months he may continue in the marriage, and after three he must put her away and pay off her marriage contract”?**

L. *Then read:* R. Meir, R. Judah, and R. Yosé say, “He has put...,” and R. Eleazar says, “She has put...” *But if you should find reason to pair the names, then say:* R. Meir and R. Eleazar say, “She has put...,” R. Judah and R. Yosé say, “He has put...,” *and lo, this unattributed Mishnah paragraph [that holds that the husband has put his finger between her teeth] is not in accord with R. Meir.*

M. *But does R. Yosé really take the position, “In the case of poor girls, [if] he has not assigned a time limit [he must divorce them]”? Then it would follow that the husband can annul the vow. But by way of contradiction:* And these are the vows which he annuls: matters of inflicting self-punishment [afflicting the soul] (Num. 30:13) “If I shall wash,” or, “If I shall not wash,” “If I shall adorn myself,” or, “If I shall not adorn myself.” Said R. Yosé, “These are not vows which inflict self-punishment. And what are those vows which do inflict self-punishment? [If] she said, ‘If I shall eat meat,’ or, ‘If I shall drink wine,’ or, ‘If I shall adorn myself **[71B]** in colored clothing’ [compare M. **Ned. 11:1-2**].” [Slotki: Such vows only may be annulled by a husband; now in view of this ruling of Yosé, how could it be said that a husband may annul vows against the use of any adornments whatsoever?]



N. *Here with what sort of case do we deal?* It concerns matters that affect their intimate relations.

O. *That poses no problem from the perspective of him who holds that the husband may annul vows on matters that affect their intimate relations. But from the perspective of him who maintains that the husband may not annul vows on matters that affect their intimate relations, what is to be said? For it has been stated:*

P. As to vows on matters that affect their intimate relations –

Q. R. Huna said, “The husband may annul such vows.”

R. R. Ada bar Ahbah said, “The husband may not annul such vows, for we don’t find a case in which a fox dies because of the dirt in his lair” [people get used to things].”

S. [Answering the question in light of the foregoing of how the husband can be penalized in the case of adornments spoken of in our Mishnah paragraph (Slotki),] *here with what case do we deal? It is one in which she made as the condition of having sexual relations her right to use adornments, saying, “May my pleasure of sexual relations with you be forbidden to me if I ever make use of any jewelry!”*

T. *That is in line with what R. Kahana said, for* said R. Kahana, “If she said, ‘[If I wear jewelry,] may the pleasure that you get of sexual relations be forbidden to you,’ he has every right to rape her. If she said, ‘[If I wear jewelry,] may the pleasure that I get of having sexual relations with you be forbidden to me,’ he must release that vow, since what is

forbidden to a person is not to be fed to that person.”

- V.1** A. [He who prohibits his wife by a vow from adorning herself with any single sort of jewelry must put her away and pay off her marriage contract:] But why should she simply not wear such adornments and not be prohibited?
- B. *Then people will call her “ugly puss.”*
- C. Then should she simply wear such adornments and be prohibited [not forthwith but] – *whether from the perspective of the House of Shammai for two weeks, or from the perspective of the House of Hillel for one week?*
- D. *Those rules pertain to a case in which he took the oath forbidding her to have sexual relations with him, because she thinks, “Well, so he’s mad, but he’ll get over it.” But here, she took the oath and he shut up, so she concludes, “Since he shut up, he hates me.”*

- VI.1** A. **R. Yosé says, “In the case of poor girls, [if] he has not assigned a time limit [he must divorce them]”:**
- B. How long would be a valid time limit?
- C. Said R. Judah said Samuel, “Twelve months.”
- D. Rabbah bar bar Hannah said R. Yohanan [said], “Ten years.”
- E. R. Hisda said Abimi [said], “From one festival to the next, for Israelite women dress up for festivals.”

- VII.1** A. **“But in the case of rich girls, [he may persist in the marriage if he set a time limit] of thirty days”:**
- B. *How come it is thirty days in particular?*
- C. Said Abbaye, “For an important woman gets pleasure from the scent of her perfume for thirty days [and won’t suffer if the period is less than that].”

**7:4**

- A. He who prohibits his wife by a vow from going home to her father’s house –**
- B. when he [father] is with her in [the same] town,**
- C. [if it is] for a month, he may persist in the marriage.**
- D. [If it is] for two, he must put her away and pay off her marriage contract.**
- E. And when he is in another town, [if the vow is in effect] for one festival season he may persist in the marriage. [But if the vow remains in force] for three, he must put her away and pay off her marriage contract.**

## 7:5

- A. **He who prohibits his wife by a vow from going to a house of mourning or to a house of celebration must put her away and pay off her marriage contract,**
- B. **because he locks the door before her.**
- C. **But if he claimed that he took such a vow because of some other thing, he is permitted to impose such a vow.**
- D. **[If he took a vow,] saying to her, (1) “On condition that you say to So-and-so what you said to me,” or (2) “what I said to you,” or (3) “that you draw water and pour it out onto the ash heap,”**
- E. **he must put her away and pay off her marriage contract.**

- I.1** A. *There is an internal contradiction. First you say, **And when he is in another town, [if the vow is in effect] for one festival season he may persist in the marriage.** So if it was for two, he has to divorce her and pay off her marriage settlement. But say the next clause: **[But if the vow remains in force] for three, he must put her away and pay off her marriage contract.** So if it was for two, he may keep her as his wife.*
- B. Said Abbaye, “We deal in the latter clause with the wife of a priest, and it stands for the position of R. Judah.”
- C. Rabbah bar Ulla said, “There is no contradiction, the former speaks of a woman who is quite anxious to go home, the latter, to one who is not.”

- I.2** A. “Then I was in his eyes as one that found peace” (Song 8:10) –
- B. Said R. Yohanan, “Like a bride found flawless by her father-in-law’s house, who is anxious to go home and tell her success in her father’s household.”

- I.3** A. “And it shall be at that day says the Lord that you will call me ‘My man,’ and not ‘My master’” (Hos. 2:18) –
- B. Said R. Yohanan, “Like a bride in the household of her father-in-law, not like a bride in the household of her father.”

- II.1** A. **He who prohibits his wife by a vow from going to a house of mourning or to a house of celebration must put her away and pay off her marriage contract, because he locks the door before her.**
- B. *Well, there is no problem understanding why she cannot be prohibited from entering a house of celebration, [72A] because one may certainly say,*

**because he locks the door before her.** *But as to prohibiting her from going to a house of mourning, what consideration is there involving, because he locks the door before her?*

- C. *A Tannaite statement: So tomorrow she will die, and there won't be a single person to lament her [T. Ket. 7:5B].*
- D. *And there are those who say, "...and there won't be a single person to bury her."*

**II.2** A. *It has been taught on Tannaite authority:*

- B. **R. Meir would say, "It is better to go to the house of mourning than to go to the house of celebration, for that is the end of all men and the living will lay it to heart' (Qoh. 7: 2)" [T. Ket. 7:6A].**

C. *What is the meaning of and the living will lay it to heart?*

D. *One who laments – others will lament for him; one who assists at a burial – others will bury him. One who bears the bier – others will bear him. One who raises his voice – others will raise their voice for him.*

**III.1** A. **But if he claimed that he took such a vow because of some other thing, he is permitted to impose such a vow:**

- B. *What is the definition of because of some other thing?*
- C. *Said R. Judah said Samuel, "Because promiscuous men are common around there."*

D. *Said R. Ashi, "That rule pertains only to a place to which a shady reputation applies already, but if a shady reputation does not apply to such a place, he has not got the power to forbid the wife from going there."*

**IV.1** A. **[If he took a vow,] saying to her, "On condition that you say to So-and-so what you said to me," or "What I said to you":**

- B. *So why shouldn't she repeat it?*
- C. *Said R. Judah said Samuel, "This refers to vile language [that she used to him]."*

**V.1** A. **Or "that you draw water and pour it out onto the ash heap," he must put her away and pay off her marriage contract:**

- B. *So why shouldn't she do it?*

C. Said R. Judah said Samuel, “The point is, she should be ‘filled’ and then ‘scatter.’” [This is euphemistic language.]

D. *In a Tannaite formulation it is repeated:*

E. That she should fill ten jugs of water and pour them out on the rubbish heap.

F. Now from the perspective of Samuel, we may well explain why **he must put her away and pay off her marriage contract**. *But according to the cited Tannaite statement [that she should fill ten jugs of water and pour them out on the rubbish heap], why in the world must he put her away and pay off her marriage contract? What difference does it make to her anyhow?*

G. Said Rabbah bar R. Hannah said R. Yohanan, “Because she would look like an idiot.”

**V.2** A. Said R. Kahana, “He who prohibited his wife by a vow from borrowing or lending a winnow, sieve, mill, or oven, must divorce her but pay off her marriage contract, because he will give her a bad name in the neighborhood.”

B. *So, too, it has been taught as a Tannaite statement: He who prohibited his wife by a vow from borrowing or lending a winnow, sieve, mill, or oven, must divorce her but pay off her marriage contract, because he will give her a bad name in the neighborhood. And so, too, if she took an oath not to borrow or lend a winnow, sieve, mill, or oven, or not to weave beautiful clothes for his children, he must divorce her but does not even have to pay off her marriage contract, because she will give him a bad name in the neighborhood [T. Ket. 7:4].*

### 7:6

A. And those women go forth without the payment of the marriage contract at all:

B. She who transgresses against the law of Moses and Jewish law.

C. And what is the law of Moses [which she has transgressed]? [If] (1) she feeds him food which has not been tithed, or (2) has sexual relations with him while she is menstruating, or [if] (3) she does not cut off her dough-offering, or [if] (4) she vows and does not carry out her vow.

- D. And what is the Jewish law? If (1) she goes out with her hair flowing loose, or (2) she spins in the marketplace, or (3) she talks with just anybody,
- E. Abba Saul says, “Also: if she curses his parents in his presence.”
- F. R. Tarfon says, “Also: if she is a loudmouth.”
- G. What is a loudmouth? When she talks in her own house, her neighbors can hear her voice.

**I.1 A. [If] she feeds him food which has not been tithed:**

- B. *What sort of a case is before us? If he knows about it, let him designate the tithe. If he does not know about it, then how is he ever going to know about it [so as to divorce her]?*
- C. *The rule is necessary to cover a case in which she said to him, “Mr. So-and-so, a priest, has readied the heap of grain” [by designating the required tithes], and he went and inquired and found that she had lied.*

**II.1 A. Or has sexual relations with him while she is menstruating:**

- B. *What sort of a case is before us? If he knows about it, let him refrain from having sexual relations. If he does not know about it, he still can rely on her, for said R. Hinena b. Kahana said Samuel, “How do we know on the basis of Scripture that a menstruating woman may be relied upon to count for herself the days of her uncleanness? As it is said, ‘Then she shall count for herself seven days’ (Lev. 15:28) – for herself means, to herself”!*
- C. *The rule is necessary to cover a case in which she said to him, “Mr. So-and-so, a sage, has declared me clean,” and he went and inquired and found that she had lied.*
- D. *If you prefer, I shall say, it is in accord with R. Judah, for said R. Judah, “If among the neighbors the woman was assumed to be menstruating, her husband is flogged on her account for having had sexual relations with a menstruating woman.”*

**III.1 A. Or [if] she does not cut off her dough-offering:**

- B. *What sort of a case is before us? If he knows about it, let him designate the dough-offering himself. If he does not know about it, then how is he ever going to know about it [so as to divorce her]?*
- C. *The rule is necessary to cover a case in which she said to him, “Mr. So-and-so, the dough kneader, has readied the dough” [by designating the required dough-offering], and he went and inquired and found that she had lied.*

**IV.1 A. Or [if] she vows and does not carry out her vow:**

- B. For a master has said, “On account of the sin of violating vows, children die: ‘Do not let your mouth cause your flesh to sin, why should God be angry at the sound of your voice and destroy the work of your hands’ (Qoh. 5: 5), and what is ‘the work of your hands’? You have to say, ‘That refers to his sons and daughters.’”
- C. R. Nahman said, “Proof derives from here: ‘In vain have I smitten your children’ (Jer. 2:30) – on account of vain oaths....”

**IV.2 A. *It has been taught on Tannaite authority:***

- B. **R. Meir would say, “Anyone who knows that his wife takes vows and doesn’t carry them out should go and impose a vow upon her again.”**
- C. **Should go and impose a vow upon her again?** *How would that improve the situation?*
- D. **Rather: “He should provoke her again, so that she’ll take the vow in his presence, and he can then annul it.”**
- E. **They said to him, “Someone cannot live in the same basket with a snake.”**
- F. *It has been taught on Tannaite authority:*
- G. **R. Judah says, “Any man who knows that his wife does not cut off the dough-offering properly, he must put her away and arrange matters properly with the dough-offering in her wake.”**
- H. **They said to him, “Someone cannot live in the same basket with a snake” [T. Ket. 7:6P-Q].**

**IV.3** A. *One who repeats that statement with reference to the matter of the dough-offering all the more so will invoke it in reference to vows, but the one who repeats it in connection with vows applies it to that case alone, but not to this one, because, since bread baking is so common in the home, it is possible that he might actually eat bread from which dough-offering has not been set aside. [In this case Judah would want a divorce right away (Slotki).]*

**V.1 A. And what is the Jewish law? If she goes out with her hair flowing loose:**

- B. *The prohibition against going out with her hair flowing loose is not merely a matter of Jewish law, it is based on the law of the Torah: “And he shall uncover the woman’s head” (Num. 5:18), and a Tannaite statement of the household of R. Ishmael [maintains], “This is an admonition to Israelite women not to go out with hair flowing loose.”*

- C. *It is indeed a law of the Torah if her basket [72B] covers her hair. But by Jewish law, it is forbidden to go out even with her basket on her head.*

**V.2** A. Said R. Assi said R. Yohanan, “If her basket is on her head, then she is not guilty of going out with her hair flowing loose.”

B. *R. Zira reflected on this statement: “Under what conditions does this statement apply? If I should say that she is in the marketplace, then it surely is a violation of Jewish law. If she is in the courtyard, then you will not leave a single daughter of our father, Abraham, who can remain with her husband [since women walk about with uncovered heads in courtyards]!”*

C. Said Abbaye, and some say, R. Kahana, “It refers to one who walks from the courtyard into another via an alley.”

**VI.1** A. **Or she spins in the marketplace:**

B. Said R. Judah said Samuel, “The rule pertains to a woman who shows off her arms to bypassers.”

C. Said R. Hisda said Abimi, “It speaks of a woman who spins rose-colored materials and holds them up to her face” [Slotki].

**VII.1** A. **Or she talks with just anybody:**

B. Said R. Judah said Samuel, “The rule pertains to a woman who jokes with boys.”

**VII.2** A. *Said Rabbah bar bar Hannah, “Once I was going behind R. Uqba. I saw an Arab woman sitting, tossing her spindle, and spinning rose-colored material, which she held up to her face. When she saw us, she cut off the spindle, threw it down, and said to me, ‘Hey boy, give me back my spindle.’”*

B. *In regard to her said R. Uqba, “What’s the relevant classification?”*

C. Said Rabina, “It is under the rubric of **she spins in the marketplace.**”

D. Rabbis said, “It is under the rubric of **she talks with just anybody.**”

**VIII.1** A. Abba Saul says, “Also: If she curses his parents in his presence”:



- B. Said R. Judah said Samuel, “The rule pertains to a woman who curses his parents in the presence of his children. Your mnemonic is, ‘Ephraim and Manasseh, even as Reuben and Simeon, shall be mine’ (Gen. 48: 5).”
- C. *Said Rabbah, “She said in the presence of his son, ‘May a lion eat up grandpa.’”*

**IX.1 A. R. Tarfon says, “Also: If she is a loudmouth”:**

- B. *What is the definition of a loudmouth?*
- C. Said R. Judah said Samuel, “The rule pertains to a woman who yells with pleasure during sexual relations.”

**IX.2 A. In a Tannaite statement it is repeated:**

- B. It is a woman who during sexual relations in one courtyard can be heard screaming in another courtyard.
  - C. *Should this not have been listed in the Tannaite reckoning of defects? Rather, it is better to adopt the original definition that we have set forth.*

**7:7**

- A. **He who betrothed a woman on condition that there are no encumbering vows upon her, and it turns out that there are encumbering vows upon her –**
- B. **She is not betrothed.**
- C. **[If] he married her without [further] specification and encumbering vows turned out to be upon her, she must go forth without payment of her marriage contract.**
- D. **[If he betrothed her] on condition that she had no blemishes on her, and blemishes turned up on her, she is not betrothed.**
- E. **[If] he married her without [further] specification and blemishes turned up on her, she must go forth without payment of her marriage contract.**
- F. **All those blemishes which invalidate priests also invalidate women.**

**Why Is this Mishnah-Paragraph Repeated  
from the Companion Tractate?**

- I.1** A. *So haven’t we learned this Mishnah paragraph also in the tractate Qiddushin?*
- B. *Here the passage is required to deal with matters that pertain to marriage settlements, and the Tannaite has repeated the materials pertinent to betrothal*

*on account of the details pertinent to the marriage contract; there the rule was required to cover matters of betrothal, and the details concerning marriage contracts were included on account of the required ones having to do with betrothal.*

**II.1** A. **[He who betrothed a woman on condition that there are no encumbering vows upon her, and it turns out that there are encumbering vows upon her:]** Said R. Yohanan in the name of R. Simeon b. Yehosedeq, “[By encumbering vows] they spoke of the following: [If] she said, ‘If I shall eat meat,’ or, ‘If I shall drink wine,’ or, ‘If I shall adorn myself in colored clothing’ [compare M. **Ned. 11:1-2**].”

B. *So, too, it has been taught on Tannaite authority:*

C. What are those vows which do inflict self-punishment? [If] she said, “If I shall eat meat,” or, “If I shall drink wine,” or, “If I shall adorn myself in colored clothing” [compare M. **Ned. 11:1-2**].

D. *Reflecting on this matter, R. Pappa [raised the question,] “To what does the definition of vows given by R. Simeon b. Yehosedeq refer? Should I say that it refers to the opening clause [on condition that there are no encumbering vows upon her]? Then, if the husband objects to vows, all kinds of vows should be covered here, and not only these! So it must refer only to the final clause [If he married her without further specification and encumbering vows turned out to be upon her].”*

E. *R. Ashi said, “In point of fact it refers also to the opening clause. And with regard to matters concerning which people would object, his objection is valid; in regard to matters to which in general people do not object, his objection is null.”*

**II.2** A. *It has been stated:*

B. If the man betrothed a woman on the basis of a stipulation but then consummated the marriage without further condition,

C. Rab said, “She does have to get a writ of divorce from the second husband” [since the marriage was valid].

D. And Samuel said, “She does not have to get a writ of divorce from the second husband” [since the marriage was invalid].

E. **[73A]** *Said Abbaye, “Don’t maintain that the operative consideration behind Rab’s position in holding that the marriage is valid is that the man has married her without*

*stipulations, he has therefore remitted his prior stipulation. Rather, it is that a man does not treat his act of sexual relations as mere fornication.”*

**II.3** A. *But didn't the same authorities debate the matter in another context altogether? For it has been stated:*

B. A minor who did not exercise the right of refusal but has come of age went and married someone else –

C. Rab said, “She does not have to get a writ of divorce from the second husband” [since the marriage was null anyhow].

D. And Samuel said, “She does have to get a writ of divorce from the second husband” [since the marriage was valid].

E. *Both versions of the dispute are required. For if the dispute had been stated only for the case of the minor who has not exercised the right of refusal, I might have supposed that it is in that case in particular that Rab takes the position that he does, because no stipulation is attached to the betrothal, but in the other case, where a stipulation has been attached, he concurs with Samuel [Slotki: that the original condition remains in force even after the marriage has been consummated]. And if the latter case alone had been given, I might have supposed that it is only in that case in which Samuel takes the position that he does [since the condition was attached to the original act of betrothal (Slotki)], but in the former he concurs with Rab. Accordingly, both formulations are necessary.*

F. *We have learned in the Mishnah: **[If] he married her without [further] specification and encumbering vows turned out to be upon her, she must go forth without payment of her marriage contract. So it's a marriage contract that's not required, but a writ of divorce is required! Is this not a case in which the man betrothed a woman on the basis of a stipulation but then consummated the marriage without further condition, and it would then represent a refutation of the position of Samuel?***

G. **[73B]** No, it is a case in which the man betrothed a woman without further condition and then

consummated the marriage without further condition. But if, as a matter of fact, the man betrothed a woman on the basis of a stipulation but then consummated the marriage without further condition, *in such a case a writ of divorce would not be required.*

H. *In that case, instead of formulating matters in this way, **He who betrothed a woman on condition that there are no encumbering vows upon her, and it turns out that there are encumbering vows upon her – she is not betrothed,** it would have been better to formulate it as follows: [If] he married her without [further] specification and encumbering vows turned out to be upon her – she is not betrothed! Then, all the more so, would the present rule have followed.*

I. *But that's precisely the intent of the statement, as follows: **He who betrothed a woman on condition that there are no encumbering vows upon her, and he married her without [further] specification and it turns out that there are encumbering vows upon her – she is not betrothed. [If] he betrothed her without further specification and he furthermore married her without [further] specification, she must go forth without payment of her marriage contract. So it's a marriage contract that's not required, but a writ of divorce is required!***

J. *So what makes the marriage settlement exceptional?*

K. *He may claim, "I don't want a woman that [is temperamental and so] takes lots of vows."*

L. *Well, then, she also shouldn't have to be given a writ of divorce!*

M. Said Rabbah, "She requires a writ of divorce because of the ruling of scribes."

N. And so said R. Hisda, "She requires a writ of divorce because of the ruling of scribes."

*O. Raba said, "The Tannaite framer of our Mishnah paragraph is in doubt, so he took the lenient rule in property, and the strict rule in matters of prohibition affecting personal status."*

**II.4** A. Said Rabbah, "The dispute [between Rab and Samuel] concerns an error involving two women. [Slotki: The man believed the woman was not under a vow when she was; there were two women, one betrothed on the stipulation that she was not under a vow, the other without such a stipulation but found to be subject to a vow; Samuel regards the marriage not subject to a stipulation as invalid because the man is assumed to have married her on the stipulation governing the first betrothal; Rab says the man could have been so attracted by the second that he was willing to dispense with his stipulation.] But so far as an error affecting only one woman, all parties concur that she does not have to get a writ of divorce from him."

B. *Said Abbaye, "But lo, our Mishnah passage speaks of a case in which there is an error having to do with only one woman, and we have nonetheless adduced from it an objection to the position of Samuel!"* [So that would show Rabbah is wrong.] *Therefore, if Rabbah made any statement at all, this is what he must have said:* "The dispute [between Rab and Samuel] concerns an error involving a woman who is in a position like that of two women [Slotki: a woman betrothed on a stipulation, divorced, remarried without a stipulation in such a case, Rab holds that a writ of divorce is required, for the reason given just now, and Samuel says no writ is required, because the man's condition at the betrothal is regarded as a permanent stipulation that he could not live with a temperamental woman, and that renders the marriage null, so no writ is required to annul the marriage]. But so far as an error affecting only one woman, all parties concur that she does not have to get a writ of divorce from him."

C. *Abbaye then objected:* **"He who betrothed a woman in error, or with what is less than a penny in value, and so a minor who effected an act of betrothal, even though he sent along presents afterward – she is not betrothed, for it was on account of the original act of betrothal that he sent the gifts. But if he had an act of sexual relations, he has acquired the woman as his wife. R. Simeon b. Judah says in the name of R. Ishmael [T.: Simeon],**

**‘Even though he had sexual relations, he has not acquired her. For the act of sexual relations was only on the strength of the original act of betrothal, which was null’ [T. Qid. 4:4A-H].** *Now here is a case in which there is an error affecting only one woman, and yet there is a dispute about the matters. And is it not that the error involves one concerning vows?”*

D. *No, it is an error concerning what was worth less than a penny.*

E. *But what was worth less than a penny is explicitly mentioned!*

F. *The later clause spells out the sense of the earlier one, namely: What is the definition of **betrothing a woman in error**? It is doing so with what is less than a penny in value.*

G. *Then what is at issue between them?*

H. *The initial authority takes the view that a man knows that betrothal is null with an object of less than a penny in value, and he therefore decided to have sexual relations for the sake of effecting a betrothal. The other authority [Ishmael] maintains that not everybody knows that betrothal is null with an object of less than a penny in value, and therefore, when he had sexual relations, **the act of sexual relations was only on the strength of the original act of betrothal.***

I. *Another objection was raised [against Rabbah by Abbaye]: “If he said, ‘Lo, I am having sexual relations with you on condition that my father consents to the betrothal,’ she is betrothed even if the father did not agree. R. Simeon b. Judah said in the name of R. Simeon, ‘If the father agreed, she is betrothed, but if not, she is not betrothed.’ Now here is a case in which there is an error affecting only one woman, and yet there is a dispute about the matters. And is it not that the error involves one concerning vows?”*

J. *What is at issue here is that one authority maintains that the language, on condition that my father consents, means, on condition that my father remains silent. And lo, he has kept his silence. The other authority holds that the language, on condition that my father consents, means, on condition that father says yes, and lo, father has not said yes.*

K. *Another objection was raised [against Rabbah by Abbaye]: “**Sages concur with R. Eliezer in the case of a minor whose father***

married her off and who was divorced is deemed an orphan while her father is yet alive, that is, she is classified as an orphan in the lifetime of her father. If the husband then remarried her, she is forbidden to the levir, because the divorce that she has received is completely valid, but the remarriage is not completely valid. Under what circumstances? If he divorced her when she was a minor and remarried her when she was a minor. But if he divorced her when she was a minor and married her after she had matured, or if he remarried her when she was a minor and she matured while living with him, and then he died, she may either perform the rite of removing the shoe or enter into levirate marriage. [74A] In the name of R. Eliezer they have said, ‘She performs the rite of removing the shoe but does not enter into levirate marriage’ [T. Yeb. 13:5E-J]. *Now here is a case in which there is an error affecting only one woman, and yet there is a dispute about the matters. And is it not that the error involves one concerning vows?’*

*L. What is at issue here is that one authority maintains that a man knows that the act of betrothal of a minor is null, and the man therefore decided to have sexual relations for the sake of effecting a betrothal. The other authority maintains that not everybody knows that the act of betrothal of a minor is null, and therefore, when he had sexual relations, the act of sexual relations was only on the strength of the original act of betrothal.*

- II.5** A. *It has been stated also [in accord with Rabbah’s position]:*  
 B. Said R. Aha bar Jacob said R. Yohanan, “He who effected a betrothal resting on a stipulation and had sexual relations – all parties rule that she does not have to get a writ of divorce from him.”  
 C. *An objection was raised by R. Aha b. R. Iqa, who was R. Aha b. Jacob’s sister’s son, “A rite of removing the shoe done under a false assumption is valid [T. Yeb. 12:13A].* What is the definition of a rite of removing the shoe done under

a false assumption? Said R. Simeon b. Laqish, 'It is any case in which they say to him, "Perform the rite of removing the shoe, and in that way, you will enter into marriage with the levirate widow."' Said to him R. Yohanan, 'I repeat [the following Tannaite statement:] **Whether he had the proper intention of carrying out the religious duty and she did not, or whether she did and he did not, her rite of removing the shoe is invalid, since it is necessary that both of them at one and the same time will have the same intentionality [T. Yeb. 12:13B-E]. And yet you say, [A rite of removing the shoe done under a false assumption] is valid [T. Yeb. 12:13A]!**' Rather, said R. Yohanan, 'It is any in which they say to him, "Perform the rite of removing the shoe, on the stipulation that she will give you two hundred zuz."' Therefore, it must follow, as soon as the man has done the deed, he has abrogated his stipulation. Here, too, why not say, as soon as the man has done the deed, he has abrogated his stipulation?"

D. He said to him, "Boychik, do you really imagine that are you talking sense? What is the source of the rule that permits any stipulation to be validated? It is the paradigm set forth with regard to the sons of Gad and Reuben, from which it follows that a valid stipulation must be one that a third party can perform, such as is the case in the paradigm itself, but a stipulation that a third party cannot perform, is not a valid stipulation. Now, after all, kid, sexual relations are hardly something that a third party can perform, such as is required by the paradigm, so what makes it valid?"

E. The reason that it is valid in the case of sexual relations in respect to betrothal is that that means of effecting a betrothal is treated as comparable to the other means of doing the same [and the others can be effected by a third party].

- II.6** A. Said R. Ulla bar Abba said Ulla said R. Eleazar, "He who betrothed a woman by a loan and had sexual relations with her, or on a stipulation and then had sexual relations with her, or with something not worth a penny and then had sexual relations with her, all parties concur that she requires a writ of divorce from him."



**II.7** A. Said R. Joseph bar Abba said R. Menahem said R. Ammi, “He who betrothed a woman with something not worth a penny and then had sexual relations with her – she requires a writ of divorce from him.”

B. *It is in a case such as this that no one could make a mistake, but in the other items, one can make a mistake.*

**II.8** A. Said R. Kahana in the name of Ulla, “He who betrothed a woman on a stipulation and then had sexual relations with her.

B. “There was a case and sages found no grounds for allowing her to go forth without a writ of divorce.”

C. *That excludes the ruling of this Tannaite authority, for* said R. Judah said Samuel in the name of R. Ishmael, “‘And she be not seized’ (Num. 5:13) – then she is forbidden. Lo, if she had been seized, she would have been permitted. But there is another class of women who even though she has been seized, she is still permitted. And who is that? It is a woman whose betrothal was in error, and even if her son sits right up there on her shoulder, [74B] she exercises the right of refusal and goes forth.”

**II.9** A. *Our rabbis have taught on Tannaite authority:*

B. **If she went to a sage and he released her from her vow, lo, this woman is betrothed. If she went to a physician and he healed her, lo, this woman is not betrothed [T. Ket. 7:8B, F].**

**II.10** A. So what’s the difference between a sage and a physician?

B. The sage uproots the vow, such that it never has existed, but the physician heals her only from now into the future.

C. *But has it not been taught on Tannaite authority: **If she went to a sage and he released her from her vow, to a physician and he healed her, lo, this woman is not betrothed?***

D. Said Rabbah, “There is no contradiction, the one represents the position of R. Meir, the other, R. Eleazar. The one speaks for R. Meir, who has said, ‘A man is perfectly contented to have his wife humiliated by being called to court,’ the other, R. Eleazar, who has said, ‘A man in no way wants to have his wife humiliated by being called to court.’” [Meir doesn’t care if the wife has to go to a sage, so he doesn’t mind betrothing a woman who has to go to a sage to release the vow; Eleazar maintains the original act is null (Slotki).]

E. *Whence these opinions?*

F. *It is in line with that which we have learned in the Mishnah: He who puts his wife away because she has a bad name should not take her back. If he did so because of a vow which she had made, he should not take her back. R. Judah says, "If it was on account of any sort of a vow which is publicly known, he should not take her back. But if it was on account of a vow which is not publicly known, he may take her back." R. Meir says, "If it is on account of any sort of vow which requires the investigation of a sage for its absolution, he should not take her back. [If it is any sort of] vow which does not require the investigation of a sage, he may take her back."* Said R. Eleazar, "This latter case was prohibited only because of the former" [M. **Git. 4:7**].

G. *What is the scriptural basis behind the opinion of R. Judah?*

H. *For it is written, [75A] "And the children of Israel did not smite them, because the princes of the congregation had sworn to them" (Josh. 9:18).*

I. *[With reference to the statement, a vow which is publicly known,] what is the definition of "public"?*

J. R. Nahman bar Isaac said, "Three, for the language 'days' [at Lev. 15:25] is two, and 'many,' three."

K. R. Isaac said, "Ten, since the word 'congregation' is used in this context."

L. R. Meir says, "If it is on account of any sort of vow which requires the investigation of a sage for its absolution, he should not take her back. [If it is any sort of] vow which does not require the investigation of a sage, he may take her back." Said R. Eleazar, "This latter case was

**prohibited only because of the former” [M. Git. 4:7].**

M. *What is at issue between them?*

N. *R. Meir takes the position that a man is perfectly contented to have his wife humiliated by being called to court, and R. Eleazar maintains that a man in no way wants to have his wife humiliated by being called to court.*

O. *Said Raba, “Here we deal with a woman of eminence, so the husband said, ‘I don’t want to be forbidden to marry her relatives’”* [Slotki: her mother and sister are forbidden to marry the man who divorced her; he may insist he wants to retain the privilege of marrying these women members of a noted family, though he objected to the particular one who restricted herself by a vow; by obtaining the annulment of the betrothal, he does not place the wife in the category of his divorcée and retains the right to marry her relatives; hence the ruling, even according to Meir, that the betrothal is invalid.]

P. *Then if so, what about the concluding clause:* But if he went to a sage to remit the vow or to a physician who healed him, his betrothal of the woman is valid – *surely it should by that same consideration be set forth, she is not betrothed! For why not say,*

*here we deal with an eminent man, so the woman says, "I don't want to be forbidden to marry his relatives"!*

*Q. Well, there's a difference, because she'll take any guy she can get, in line with what R. Simeon b. Laqish said, for said R. Simeon b. Laqish, "It is better to sit bodies side by side than to sit a widow."*

*R. Abbayye said, "Her husband may be an ant, but she sits free and easy."*

*S. R. Pappa said, "Her husband may be a carder, but she calls him to the threshold and sits down next to him."*

*T. R. Ashi says, "Her husband may be dull, but she doesn't need lentils in her pot."*

*U. A Tannaite statement:  
So all women of that type  
fornicate and blame the  
baby on their husbands.*

**III.1 A. All those blemishes which invalidate priests also invalidate women:**

B. *A Tannaite statement:*

C. They added to them one who perspires heavily, one with a mole, and one with bad breath.

D. *So won't these traits invalidate priests? And have we not learned in the Mishnah: and an old one, (7) and a sick one, and a smelly one [M. Bekh. 6:12]? And we have learned in the Mishnah: These blemishes [that have been listed in the preceding chapter], whether permanent or transient, disqualify man [from serving in the Temple] [M. Bekh. 7:1A].*

E. *Said R. Yosé b. R. Hanina, "There is no contradiction, the one speaks of excessive perspiration that is transitory, the other, excessive perspiration that is permanent."*

F. *R. Ashi said, "But are you contrasting perspiration and one who is filthy? There, in regard to the priests, it is possible to take away the sweat with sour wine, and it is possible to take away the bad breath by keeping pepper in one's mouth, and then the priest can do the Temple service. But in the case of a wife, these devices don't really do the job."*

**III.2** A. *What is the definition of the mole? If there is hair in it, then in the case of the priest and in the case of the wife, it would invalidate; if there is no hair in it, then if it is a big mole, in both cases it would invalidate, and if it was a small mole, then in both cases it would not invalidate, for it has been taught on Tannaite authority: In the case of a mole, if there is hair in it, lo, this is a blemish; if there is no hair in it, if it is big, it is a blemish; if it is small, it is no blemish. And what is the measure of a large one? Rabban Simeon b. Gamaliel explained, "As big as a big Italian issar coin."*

B. *Said R. Yosé b. R. Hanina, "It is one that is located on her forehead."*

C. *If it was on her forehead, he saw it and acquiesced!*

D. *Said R. Pappa, "It is located under her cap, sometimes showing, sometimes not."*

**III.3** A. *Said R. Hisda, "This matter I heard from an eminent authority, and who is it? It is R. Shila: 'If a dog bit her and the bite yielded a scar, that is considered a blemish.'"*

B. *Said R. Hisda, "A deep voice in a woman, lo, this is a blemish: 'For sweet is your voice and your countenance is comely' (Son. 2:14)."*

**III.4** A. *R. Nathan of Bira set forth this Tannaite statement: "If the space between a woman's breasts is a handbreadth...."*

B. *R. Aha b. Raba before R. Ashi considered stating, "A handbreadth would be quite a lot," but said to him R. Ashi, "It has been set forth as a Tannaite rule among the blemishes."*

C. *And what is normal then?*

D. *Said Abbayye, “Three fingerbreadths.”*

**III.5** A. *It has been taught on Tannaite authority:*

- B. R. Nathan says, “Any woman, one of whose breasts is bigger than the other – lo, this is a blemish.”
- C. *And what is normal then?*
- D. Said R. Meyyasha, son of the son of R. Joshua b. Levi, in the name of R. Joshua b. Levi, “A handbreadth[‘s difference would be too much].”
- E. *So is such a thing possible?*
- F. *Yes indeed, for* said Rabbah bar bar Hannah, “I saw an Arab woman who threw her breasts over her back and gave suck to her son.”

### **Miscellany on the Nurturing Mother**

- III.6** A. “But of Zion it shall be said, This man and that was born in her, and the Most High himself establishes her” (Psa. 87: 5) –
- B. Said R. Meyyasha, son of the son of R. Joshua b. Levi, “All the same are the one who was born there and the one who longs to see it.”

**III.7** A. *Said Abbayye, “One of them is better than two of us.”*

B. *Said Raba, “But one of us, when we go up there, is better than two of them. For lo, when R. Jeremiah was here, he didn’t know what anyone was talking about, but when he went up there, he called us, ‘Idiot Babylonians.’”*

### **7:8**

- A. “[If] there were blemishes on her while she was yet in her father’s house,
- B. “the father must bring proof that after she was betrothed these blemishes made their appearance on her, so that his [the husband’s] field has been flooded.
- C. “[If] she had entered the domain of the husband, then the husband has to bring proof that before she was betrothed these blemishes were on her body, so that his purchase was a purchase made in error,” the words of R. Meir.
- D. And sages say, “Under what circumstances? In the case of blemishes on the hidden parts of her body. [75B] But in the case of blemishes which are on the parts of her body to be seen by the naked eye, he has no such claim.

E. “And if there is a bathhouse in that town, then even blemishes which are on the hidden parts of her body are not subject to his claim, for he has her examined by his kinswomen.”

**I.1** A. [If there were blemishes on her while she was yet in her father’s house, the father must bring proof that after she was betrothed these blemishes made their appearance on her, so that his [the husband’s] field has been flooded:] *So the operative consideration then is that the father has brought proof; lo, if he had produced no proof, then the husband would be believed. So who is the authority behind our Mishnah paragraph? It is R. Joshua, who said, “We do not depend on her testimony.” But then see what follows: [If] she had entered the domain of the husband, then the husband has to bring proof. So the operative consideration then is that the husband has brought proof; lo, if he had produced no proof, then the father would be believed. So who is the authority behind our Mishnah paragraph? It is Rabban Gamaliel, who has said, “She is believed.”*

B. Said R. Eleazar, “The passage has to be split apart: the one who formulated this part did not formulate that part.”

**I.2** A. Said Raba, “Do not draw the conclusion that R. Joshua is never governed by the principle that we assume that the body is sound. But where R. Joshua is not governed by the principle that we assume that the body is sound, that is in a case in which it competes with the principle of confirming property in the hands of the one that possesses it. But in a case in which there is no competing principle concerning the confirmation of property in the hands of the one that possesses it, R. Joshua is quite prepared to follow the principle that we assume that the body is sound. For it has been taught on Tannaite authority: **If the bright spot preceded the white hair, he is unclean, and if the white hair preceded the bright spot, he is clean. And if it is a matter of doubt, he is unclean.** And R. Joshua said, ‘It darkened’ [M. Neg. 4:11F-H].”

B. *What is the meaning of It darkened?*

C. Said Rabbah, “It is as though the spot darkened, and he is clean.”

**I.3** A. [As to the contradictory inferences to be drawn from the language of the Mishnah, **[If] there were blemishes on her while she was yet in her father’s house....[If] she had entered the domain of the husband....**] *Raba said, “The first clause rests on the premise that this is where they were found, so*

this is where they were to begin with, *and the second likewise rests on the premise that this is where they were found, and this is where they came about.*”

- B. *Objected Abbaye, “[If] she had entered the domain of the husband, then the husband has to bring proof that before she was betrothed these blemishes were on her body, so that his purchase was a purchase made in error – then only if the defects were before she had been betrothed, is that the case, but if they appeared afterward, that is not the case. And why should this be the rule? Why not invoke the principle: This is where they were found, so this is where they were to begin with?”*
- C. *He said to him, “The reason that the principle cannot pertain if the blemishes were discovered after betrothal is that one may invoke the principle: We assume that someone does not drink from a cup unless he has thoroughly inspected it, so this man saw what was there and made his peace with it.”*
- D. *“If so, why not say the same for the situation even if the defects were there before betrothal? Rather, we invoke the argument, we assume a man is never prepared to make peace with bodily defects.”*
- E. *“So here, too, why not assume, we assume a man is never prepared to make peace with bodily defects? Rather this is the operative consideration that after she has been betrothed we cannot apply the principle, this is where they were found, so this is where they were to begin with, because there are two considerations opposed to it: first of all, we assume that a woman’s body is sound, and furthermore we assume that a man will not drink out of a cup unless he has thoroughly inspected it, so this man saw what was there and made his peace with it. And what have you got to say in reply? That a man does not make his peace with blemishes? Then you have [76A] one presumption weighed against two, and one against two we are not likely to invoke.”*
- F. *“But as to the assumption, we assume that a woman’s body is sound, if the defects were discovered prior to betrothal, we cannot apply that argument, and all that remains is the assumption, we assume that a man will not drink out of a cup unless he has thoroughly inspected it, so this man saw what was there and made his peace with it – to the contrary, why not assume, a man does not make his peace with blemishes and also, confirm the possession of money in the hands of the one who has it?”*
- I.4 A. [As to the contradictory inferences to be drawn from the language of the Mishnah, [If] **there were blemishes on her while she was yet in her father’s**



house....[If] she had entered the domain of the husband...,] R. Ashi said, "The claim in the first clause [Slotki: where the presumptive soundness of the claimant's daughter's body, not being that of the claimant herself, cannot override the principle of possession, which is in favor of the husband, hence the necessity for the father to produce proof] is like, 'You owe my father a maneh,' but the claim in the second one is, 'You owe me a maneh.'"

- B. *Objected R. Aha b. R. Avayya to R. Ashi*, "[Slotki: Although Meir stated that if the defects were discovered after the woman had entered the domain of the husband, the husband has to produce proof,] **R. Meir concedes in respect to bodily defects likely to have derived from her father's house that the father has to produce proof [cf. T. Ket. 7:10F].** *Why should that be the case? It's a case of, 'You have a maneh of mine in your possession,'* [in which case the claimant has to bring proof].'" [Slotki: The woman is married, the marriage contract belongs to her, the soundness of her body should be sufficient to establish her claim.]
- C. *"Here with what situation do we deal? It is a woman who has an extra limb."*
- D. *"Well, if she had an extra limb, what kind of proof can one ever present?"*
- E. *"It is proof that he saw it and made his peace with it."*

## I.5

- A. Said R. Judah said Samuel, "He who trades a cow for an ass, and the owner of the ass pulled the cow [and so transferred title to himself, taking possession of it], but before the owner of the cow pulled the ass, the ass died, the owner of the ass has to produce evidence that his ass was alive at the time that the cow was pulled."
  - B. *The Tannaite authority behind the ruling on the bride* [Slotki: concerning whose defects a similar doubt exists: in the case of the exchanged animals, it is uncertain whether the ass died before or after the acquisition of the cow; in the case of the bride it is uncertain whether she had her defects before or after her betrothal] *supports that ruling.*
  - C. *Yeah, well, the case of which bride? Should I say that [76B] it is the bride in her father's house? Then are the cases truly parallel? There, the father is the claimant, he produces proof, and collects the marriage contract from the husband, but here, the owner of the ass produces proof and so retains the cow.*
  - D. Said R. Abba, "It is the bride in the house of her father-in-law."

E. *Still, are the cases truly parallel? There it is the husband who produces proof and impairs the presumptive right of the father, here the owner of the ass produces proof and confirms his presumptive right!*

F. *Said R. Nahman bar Isaac, "The support derives from the case of the bride in her father's house, in regard to the token of betrothal."* [Slotki: In the first clause of our Mishnah, where the proof must be produced by the father, it serves the purpose of enabling him to retain the money paid as the token of betrothal of the bride; in the case of the exchange of the animals, the owner of the ass produces proof and retains the cow.] *And do not suppose that this proof that the father is able to retain the token of betrothal is in accord only with the view of him who holds that a token of betrothal is subject to return, but even according to him who maintains that it is not subject to return, the same may be said, since that position pertains only to a case in which the betrothal is beyond any doubt, but not to a betrothal that is subject to doubt; in that case, the father keeps the token of betrothal only if he produces proof, but not otherwise."*

- G. *An objection was presented: A needle that was found in the thick walls of the second stomach, and protrudes only from one of its sides – the beast is suitable; if it is from both sides, it is terefah. If a drop of blood was found on the needle, it is certain that the wound was inflicted before the act of slaughter; if no drop of blood was found on it, it is certain that the wound was made after the slaughter. If the top of the wound was crusted, it is certain that the wounding occurred three days before the slaughter; if the top of the wound was not covered with a crust, the claimant has to produce proof. Now, if the butcher paid the money for the beast, the butcher, being the claimant would have to produce proof to get his money back. But why should this be the case? Rather let the owner of the beast produce proof and keep the purchase money* [Slotki: as in the case in which the owner of the ass produces proof and retains the cow. But that is not the case, and that is an objection against Samuel's ruling].
- H. *It's a case in which the butcher hadn't yet paid for the beast.*
- I. *Yeah, well, how do you know for sure?*
- J. *Rather, when Rami bar Ezekiel came, he said, "Don't pay any attention to those encompassing rules that Judah, my brother, set forth in the name of Samuel. This is what Samuel said: 'Any one in whose domain a matter of*

doubt comes about bears the burden of proof.” *And the Tannaite authority of our Mishnah on the bride [if the doubt concerning the appearance of defects came when she was at home, her father must produce proof, if it was when she was in the husband’s house, the husband must bring proof] supports that ruling [Slotki: Samuel now concurs with Raba, who assigns the whole to Joshua].*

- K. *An objection was presented: A needle that was found in the thick walls of the second stomach, and protrudes only from one of its sides – the beast is suitable; if it is from both sides, it is terefah. If a drop of blood was found on the needle, it is certain that the wound was inflicted before the act of slaughter; if no drop of blood was found on it, it is certain that the wound was made after the slaughter. If the top of the wound was crusted, it is certain that the wounding occurred three days before the slaughter; if the top of the wound was not covered with a crust, the claimant has to produce proof. Now, if the butcher had not paid the money, the owner of the beast would have to bring proof and so get the price of the beast from the butcher. But why should this be the case? Here the doubt has arisen when the beast was in the domain of the butcher! [This contradicts Rami bar Ezekiel’s claim that the butcher should be the party to bring proof (Slotki).]*
- L. *So the butcher had already paid.*
- M. *Yeah, well, how do you know for sure?*
- N. *Because in general, so long as someone has not yet paid the money, the other party does not hand over the animal.*

- II.1** A. **And sages say, “Under what circumstances? In the case of blemishes on the hidden parts of her body. But in the case of blemishes which are on the parts of her body to be seen by the naked eye, he has no such claim. And if there is a bathhouse in that town, then even blemishes which are on the hidden parts of her body are not subject to his claim, for he has her examined by his kinswomen”:**
- B. Said R. Nahman, **[77A]** “Epilepsy is included among **blemishes on the hidden parts of her body**. *That is the case if the attacks occur regularly; but if they occur only irregularly, they are classified as blemishes which are on the hidden parts of her body.*”

## 7:9

- A. A man who suffered blemishes – they do not force him to put her away.
- B. Said Rabban Simeon b. Gamaliel, “Under what circumstances? In the case of small blemishes.
- C. “But in the case of major blemishes, they do force him to put her away.”

**I.1** A. R. Judah repeated as the Tannaite formulation, **A man who suffered blemishes.**

- B. R. Hiyya bar Rab repeated as the Tannaite formulation, a man upon whom were blemishes.

C. *He who frames the Tannaite wording as **A man who suffered blemishes** all the more so would accept the case of a man upon whom were blemishes. The woman would have supposed that she could take the situation. But he who formulated it as, a man upon whom were blemishes, would not go along with the wording, **A man who suffered blemishes.** [The woman may plead that if she had known what would happen later on, she would not have consented to marry him (Slotki)].*

D. *We have learned in the Mishnah: **Said Rabban Simeon b. Gamaliel, “Under what circumstances? In the case of small blemishes. But in the case of major blemishes, they do force him to put her away.”** Now from the perspective of him who says, **A man who suffered blemishes**, that explains that a distinction is made between major and minor defects [the woman could deal with the minor ones]. But from the perspective of him who says, a man upon whom were blemishes, why is a distinction made between major and minor defects? Lo, the woman knew about them and made peace with them?*

E. The woman may claim that she thought she could take them but now she cannot take them.

- I.2**
- A. What is the definition of **major defects**?
  - B. Explained Rabban Simeon b. Gamaliel, “For example, if his eye was blinded or his hand cut off or his leg was broken.”

- I.3**
- A. *It has been stated:*
  - B. R. Abba bar Jacob said R. Yohanan [said], “The decided law is in accord with Rabban Simeon b. Gamaliel.”

- C. Raba said R. Nahman [said], “The decided law is in accord with the opinion of sages.”

D. *And did R. Yohanan make any such statement?* And lo, said Rabbah bar bar Hanna said R. Yohanan, “Wherever Rabban Gamaliel repeated a statement in our Mishnah, the law is in accord with his opinion, except for the cases of the guarantor [**He who lends money to his fellow on the strength of a guarantor may not collect from the guarantor. But if he had said, ‘[Lo, I lend to you] on condition that I may collect from whichever party I wish,’ he may then collect from the guarantor.** Rabban Simeon b. Gamaliel says, ‘If the debtor has property, one way or the other, he should not collect from the guarantor’ (M. **B.B. 10:7U-W**)], Sidon [Said Rabban Simeon b. Gamaliel, M’S<sup>H</sup> B: In Sidon there was a man who said to his wife, ‘Lo, this is your writ of divorce, on condition that you give me my cloak,’ but the cloak got lost. Sages ruled, ‘Let her pay him its value’ (M. **Git. 7:5E-F**)], and further: [Said Rabban Simeon b. Gamaliel, ‘What should this party do, who could not find the evidence during the thirty-day period, but found it after thirty days?’ (M. **San. 3:8E**)].”

E. *What we have is a conflict of Amoraic statements in the name of R. Yohanan.*

### 7:10

- A. **And these are the ones whom they force to put her away: (1) he who is afflicted with boils, or (2) who has a polypus, or (3) who collects [dog shit], or (4) a coppersmith, or (5) a tanner –**
- B. **whether these [blemishes] were present before they were married or whether after they were married they made their appearance.**
- C. **And concerning all of them did R. Meir say, “Even though he made a condition with her [that the marriage is valid despite these blemishes], she still can claim, ‘I thought that I could take it. But now I find I cannot take it.’”**
- D. **And sages say, “She takes it despite herself, except in the case of the one afflicted with boils,**
- E. **“because [in that case] she enervates him.”**
- F. **There was a case in Sidon: a tanner who died, and he had a brother who was a tanner.**

G. Sages ruled, “She can claim, ‘Your brother I could take, but I can’t take you [as my levir].’”

I.1 A. What is the definition of **he who has a polypus**?

B. Said R. Judah said Samuel, “Somebody with a bad-smelling nose.”

C. *In a Tannaite statement it was repeated: “Halitosis.”*

D. *R. Assi reversed the attributed statements [giving Samuel what the Tannaite statement has, and vice versa], and he gave a mnemonic: Samuel didn’t close his mouth for the whole of our chapter [but studied it all].*

II.1 A. **Who collects [dog shit]:**

B. What is the definition of **who collects [dog shit]**?

C. Said R. Judah, “Somebody who collects dog shit.”

D. *An objection was raised: **One who collects – lo, this is a tanner** [T. Ket. 7:11A]!*

E. *Well, even in accord with your reading, you have a problem in our Mishnah paragraph, which is worded as **who collects, or a coppersmith, or a tanner**. For when the term tanner is mentioned, it refers to a large-scale operator, while **One who collects – lo, this is a tanner** refers to a small-scale operator. But from the perspective of R. Judah’s reading, surely there is a problem!*

F. *What we have is a conflict between Tannaite statements. For it has been taught on Tannaite authority: **One who collects – lo, this is a tanner**. And some say, “**It is one who collects dog shit**” [T. Ket. 7:11A-B].*

III.1 A. **Or (4) a coppersmith, or (5) a tanner:**

B. What is the definition of **a coppersmith, or (5) a tanner**?

C. *R. Ashi said, “It is a kettlesmith.”*

D. Rabbah bar bar Hanna said, “It is a copper miner.”

E. *It has been taught on Tannaite authority in line with the position of Rabbah bar bar Hannah: **A coppersmith is a copper miner** [T. Ket. 7:11C].*

III.2 A. Said Rab, “He who says, ‘I won’t feed or support my wife,’ must divorce the woman and pay off her marriage settlement.”

B. *R. Eleazar went, stating this tradition before Samuel. He said, “Stuff Eleazar with barley [since for his gullibility in repeating nonsense, he’s a dumb ox] – rather than force the husband to divorce the wife, let him be forced to support her!”*

C. And Rab?

D. Someone cannot live in the same basket with a snake.

E. *When R. Zira went up to the Land of Israel, he found R. Benjamin bar Japhet in session and stating the same tradition in the name of R. Yohanan. He said to him, "In Babylonia, on account of saying this, they stuffed Eleazar with barley."*

**III.3** A. Said R. Judah said R. Assi, "They impose the requirement of issuing a writ of divorce only in the case of marriage to women who are invalid for marriage to that particular man.' [Judah continues:] *When I made this statement in the presence of Samuel, he said, 'For example, a widow to a high priest, a divorcée or a woman who has performed the rite of removing the shoe wed to an ordinary priest, a mamzer girl or a netinah girl to an Israelite, an Israelite girl to a netin boy or a mamzer boy. But if one has married a woman and lived with her for ten years and she did not give birth, they do not force him to divorce her.'*"

B. And R. Tahalipa bar Abimi said Samuel [said], "Even if one has married a woman and lived with her ten years and she did not give birth, they do force him to divorce her [and marry someone else, with whom he can produce a child]."

C. *We have learned in the Mishnah: And these are the ones whom they force to put her away: (1) he who is afflicted with boils, or (2) who has a polypus, or (3) who collects [dog shit], or (4) a coppersmith, or (5) a tanner – whether these [blemishes] were present before they were married or whether after they were married they made their appearance. Now from the perspective of R. Assi, the framer of the Mishnah passage has listed cases deriving only from the authority of rabbis, but not those deriving from the authority of the Torah [and we can therefore understand why the list omits the classes of unions specified by Samuel], but from the perspective of R. Tahalipa bar Abimi, shouldn't our Mishnah paragraph also have included the case: If one has married a woman and lived with her ten years and she did not give birth, they do force him to divorce her?*

D. *Said R. Nahman, "That's no problem. The one case [the childless couple] speaks of verbal pressure, the other, floggings."*

E. *Objected R. Abba, “‘A servant will not be corrected by mere words’ (Pro. 29:19).”*

F. *Rather, said R. Abba, “Both of the rulings refer to compulsion by floggings. [77B] In the case of the childless union, if she said, ‘I want to live with him,’ we let her do so, but in the latter case, even though she said, ‘I want to live with him,’ we don’t allow it.”*

G. *But lo, there is the case of him who is afflicted with boils, with whom she is not allowed to remain even if she said, “I want to be with him,” for we have learned in the Mishnah: **except in the case of the one afflicted with boils, because [in that case] she enervates him, and yet that case was included on the list.***

H. *In that case, if she said, “I will live with him subject to witnesses [that no sexual relations take place],” we let her do so. In this case, even if she said, “I will live with him subject to witnesses [that no sexual relations take place],” we do not let her do so.*

**III.4** A. *It has been taught on Tannaite authority:*

B. **Said R. Yosé, “One of the elders of Jerusalem told me, there are twenty-four classifications of skin ailments involving boils, and in regard to all of them, sages have said, ‘Sexual relations is counter-indicated,’ and worst of all is a skin ailment that causes trembling and extreme debility of the body” [Slotki] [T. Ket. 7:11I].**

C. *How does it come about?*

D. *It is in accord with that which has been taught on Tannaite authority:*

E. *He who has a bloodletting and then has sexual relations will have neurasthenic children; if it took place after both the husband and the wife have had a bloodletting, they will have children suffering with a skin ailment that causes trembling and extreme debility of the body.*

F. *Said R. Pappa, “But that statement pertains only to a case in which one has eaten nothing, but if one has eaten something, then there is no objection.”*

**III.5** A. *What are the symptoms?*

B. *The eyes tear, the nostrils run, spit oozes from the mouth, and flies swarm about the patient.*

C. *And what’s the remedy?*



D. *Said Abbayye, “[Slotki:] Pila, ladanum, the rind of a nut tree, the shavings of a dressed hide, melilot, the calyx of a red date tree – these are to be boiled together and brought into a stone house; if they don’t have a stone house available, they are brought into a house with walls as thick as seven and a half bricks. Three hundred cups of the mixture are poured on his head until his cranium is softened; then they cut open the brain. Four leaves of myrtle are brought, and each foot [of the invading insect in the brain, which has caused the ailment] is lifted and a myrtle is put underneath it. Then the insect that causes the ailment is grabbed with tweezers and burned, lest it return to him.”*

**III.6** A. Announced R. Yohanan, “Avoid flies that swarm around people suffering with a skin ailment that causes trembling and extreme debility of the body.”

**III.7** A. *R. Zira would not sit windward of such a person.*  
B. *R. Eleazar would not go into such a person’s shade.*  
C. *R. Ammi and R. Assi would never eat eggs that come from an alleyway in which such a person lived.*  
D. *By contrast, R. Joshua b. Levi would attach himself to them and would study Torah: “[The Torah is] a lovely hind and a graceful doe’ (Pro. 5:19) – if the Torah gives grace for those who study it, will it not also protect them [from suffering]?”*

## **Stories of Deaths of Various Sages and how their Mastery of the Torah Afforded Them Special Standing after Death**

**III.8** A. *When Joshua b. Levi lay dying, they said to the angel of death, “Go, do what he wants.”*  
B. *He went and showed himself to him. He said to him, “Show me my place [in Paradise].”*  
C. *He said to him, “Well and good.”*  
D. *“Give me your knife, on the way you might otherwise frighten me.”*  
E. *He gave it to him.*

F. *When they got there, he raised him up [above the wall surrounding Paradise] and showed him his place. Joshua b. Levi leapt to the other side of the wall. The angel of death grabbed him by the corner of his cloak, but Joshua b. Levi exclaimed, "By an oath! I'm not going back!"*

G. *Said the Holy One, blessed be He, "If this man ever received remission for an oath of his, he has to go back, but if not, he may not go back."*

H. *[The angel of death said,] "Well, at least, give me back my knife." Joshua b. Levi wouldn't give it back.*

I. *An echo came forth and said to him, "Give it back to him, it's needed for ordinary mortals."*

**III.9** A. *Elijah proclaimed before him, "Make place for the son of Levi, make place for the son of Levi!"*

B. *As [R. Joshua b. Levi] made his way, he came across R. Simeon b. Yohai, seated [Slotki:] at thirteen tables of gold. He said to [R. Joshua b. Levi], "Are you the son of Levi?"*

C. *He said to him, "Indeed so."*

D. *"Did a rainbow appear in your lifetime?"*

E. *"Yes."*

F. *"Then you're not the son of Levi."*

G. *But that's not so. In fact there was no such thing as a rainbow in his lifetime, but [R. Joshua b. Levi] thought to himself, "I don't want to take any credit for myself."*

**III.10** A. *R. Hanina bar Pappa was [R. Joshua b. Levi's] friend. When he was dying, they said to the angel of death, "Go, do what he wants."*

B. *He went and showed himself to him. He said to him, "Let me have thirty days more, so I can review my learning, for it is said, 'Happy is he who comes here in full command of what he knows.'"*

C. *He allowed him the extra time, and thirty days later he appeared to him again. He said to him, "Show me my place [in Paradise]."*

D. *He said to him, "Well and good."*

E. *"Give me your knife, on the way you might otherwise frighten me."*

F. *He said to him, "Do you want to do to me what your friend did?"*

G. *He said to him, "Well, then, bring a scroll of the Torah, and look and see whether there's anything written in there that I didn't carry out?"*

H. *"Well, then, did you attach yourself to those who suffered from the dreadful skin ailment and study Torah?"*

**III.11** A. *Even so [for he had done no such thing], when he died, a pillar of fire stood between him and the world, and we have learned as a tradition that a pillar of fire will form a partition only for one who was unique in his generation, or perhaps for two. R. Alexandri approached him and said, "Do something for the honor of the sages [and let us bury you]."*

B. *He ignored him.*

C. *"Do it for the honor of your father."*

D. *He ignored him.*

E. *“Do it for the honor owing to yourself!”*

F. *The pillar of fire departed.*

**III.12** A. *Said Abbaye, “The purpose of the pillar of fire is to keep away [from the deceased] someone who had neglected even one letter of the Torah.”*

B. *Said to him R. Ada bar Mattena, “Then it would keep the master [you] away, for he has no railing around his roof.”*

C. *But that isn’t entirely fair. He had one, but the wind blew it down.*

**III.13** A. *Said R. Hanina, “Why in Babylonia don’t people suffer from the debilitating skin ailment? Because they eat tomatoes and drink beer that has cuscuta [Slotki: instead of the usual hops] of the hizme shrub.”*

B. *Said R. Yohanan, “Why in Babylonia don’t people suffer from the skin ailment [described in Leviticus 13-14]? Because they eat tomatoes, drink beer, and bathe in the Euphrates.”*