

II.

BAVLI NEDARIM CHAPTER TWO

FOLIOS 13B-20B

2:1A-M

- A. And these [vows] are not binding [at all]:
- B. [He who says,] “May what I eat of yours be unconsecrated food,”
- C. “[May what I eat of yours be] like pig meat,”
- D. “[May what I eat of yours be] like an idol,”
- E. “[May what I eat of yours be] like hides pierced at the heart,”
- F. “[May what I eat of yours be] like carrion,”
- G. “[May what I eat of yours be] like terefah meat,”
- H. “[May what I eat of yours be] like abominations,”
- I. “[May what I eat of yours be] like creeping things,”
- J. “[May what I eat of yours be] like the dough-offering of Aaron,” or
- K. “[May what I eat of yours be] like his heave-offering” – it is not binding.
- L. He who says to his wife, “Lo, you are like mother to me” –
- M. they open for him a door [for the unbinding of his oath] from some other source, so that he may not behave lightly in such a matter.

- I.1** A. *So the operative consideration is that he said, “May what I eat of yours be unconsecrated food.” But if he had said, “For unconsecrated food be what I might eat of yours,” then the implication would be, let it be not unconsecrated food but an offering [and hence forbidden]. So who is the authority behind our unattributed rule? Surely not R. Meir, since he does not take the position that*

out of a [14A] “no,” you hear a “yes.” *And it surely cannot be R. Judah, since, if it is, it is no different from the prior Mishnah paragraph [If he said, “May it be to me like the lamb of the daily whole-offering,” “...like the temple sheds,” “...like the wood,” “...like the fire,” “...like the altar,” “...like the sanctuary,” “...like Jerusalem” – if he vowed by the name of one of any of the utensils used for the altar, even though he has not used the word qorban – lo, this one has vowed [in as binding a way as if he had vowed] by qorban. R. Judah says, “He who says, ‘Jerusalem,’ has said nothing”]!*

- B. *Since the Tannaite framer of the passage included a reference to the formulations, “[May what I eat of yours be] like pig meat,” “[May what I eat of yours be] like an idol,” he also made reference to unconsecrated foods [Freedman: unnecessary in itself, mentioned only for the sake of completeness].*
- C. *Rabina said, “This is the sense of the passage: And these [vows] are not binding [at all]: [He who says,] “May what I eat of yours be unconsecrated food,” for example, “[May what I eat of yours be] like pig meat,” “[May what I eat of yours be] like an idol.” And if the Tannaite formulation had not included a reference to unconsecrated food, I might have supposed that there would be a requirement for a sage’s absolution from the vow. [But the vow is invalid to begin with and no absolution is required.]”*
- D. *But can anybody ever have entertained such a proposition? For the very formulation of the final clause suggests otherwise, namely, He who says to his wife, “Lo, you are like mother to me,” – they open for him a door [for the unbinding of his oath] from some other source. This bears the implication that no such procedure of absolution is required for the opening situation. So it is better to conclude that unconsecrated food is mentioned only en passant.*

II.1

- A. **...it is not binding:**
- B. *What is the source of this rule?*
- C. *Said Scripture, ““If a man vow a vow unto the Lord” (Num. 30: 3) – the vow is valid only if he takes an oath by something that is subject to an oath.*
- D. *Well, then, if so, how about an oath by something that is already forbidden? It, too, should be binding, since it is written, “To bind his soul with a bond” (Num. 30: 3)!*

- E. *The phrase, “To bind his soul with a bond,” is required in line with that which has been taught on Tannaite authority:* What is the definition of the binding statement that is set forth in the Torah? He who says, “Lo, incumbent on me is that I shall not eat meat or that I shall not drink wine as on the day that father died,” “...as on the day that So-and-so died,” “...as on the day that Gedaliah b. Ahikam was killed,” “...as on the day on which I saw Jerusalem in its ruins,” he is prohibited from eating meat or drinking wine.

III.1 A. He who says to his wife, “Lo, you are like mother to me” – they open for him a door [for the unbinding of his oath] from some other source, so that he may not behave lightly in such a matter:

- B. *By contrast:* “Lo, you are to me as the flesh of mother,” “...as the flesh of my sister,” “...as orlah fruit,” “...as mixed seeds in the vineyard” – he has said nothing at all [and no absolution would be required].
- C. *Said Abbayye, “...he has said nothing at all – so far as the law of the Torah is concerned, but he has to seek absolution by the law of the rabbis.”*
- D. Raba said, “The one refers to a disciple of a sage, the other to an unlettered person.”

E. *And so, too, it has been taught on Tannaite authority,* He who takes a vow by the Torah has said nothing at all, and said R. Yohanan, “But he has to seek absolution from a sage,” and said R. Nahman, “A disciple of a sage doesn’t have to seek absolution from a sage.

III.2 A. [14B] *It has been taught on Tannaite authority:* He who takes a vow by the Torah has said nothing at all. [If he took the oath] “by what is written therein,” his words are confirmed. “By it and by what is written in it,” his words are confirmed.

B. *Well, if the Tannaite formulation states,* [If he took the oath] “by what is written therein,” his words are confirmed, *then why in the world is it necessary also to articulate the rule, which surely flows from the foregoing,* “By it and by what is written in it,” his words are confirmed?

C. *Said R. Nahman, “No problem! In the one case, the sense is that a Torah is lying on the ground; in the other, he is holding the Torah in hand. If it is lying on the ground, then he is thinking about the parchment; if he is holding it in his hand, he is thinking about the Divine Names that are written therein. And if you prefer, I shall explain: it is lying on the ground [in both instances], but so we are*

told that, even when it is lying on the ground, since he uses the language in his vow, 'by what is written therein,' his statement is effective, and the intent of the formulation is: 'this, and it goes without saying....' And if you prefer, I shall explain: the whole of it refers to a case in which he is holding the Torah in his hand, and the intent of the formulation is to say that, since he is holding it in his hand, even if he merely used the words, 'by it,' it is as though he had said, 'by what is written therein.'"

2:1N-P

- N. [He who says,] "Qonam if I sleep," or, "...if I speak," or, "...if I walk" –
- O. he who says to his wife, "Qonam if I have sexual relations with you" –
- P. Lo, this is a case to which applies the law, "He shall not break his word" (Num. 30: 2).

I.1

- A. *It has been stated:*
- B. "Qonam be my eyes sleeping today, if I should sleep tomorrow" –
- C. said R. Judah said Rab, "Let him not sleep today, lest he sleep tomorrow."
- D. And R. Nahman said, "Let him sleep today, *and we do not take account of the possibility that he may sleep tomorrow.*"
- E. And R. Judah concedes in the case of one who says, "Qonam be my eyes in sleep tomorrow if I sleep today," that he may sleep today. **[15A]** *For someone may not be meticulous about a condition, but he is going meticulously to observe an actual prohibition.*"

F. *We have learned in the Mishnah:* [He who says,] "Qonam if I sleep," or, "...if I speak," or, "...if I walk" – he who says to his wife, "Qonam if I have sexual relations with you" – Lo, this is a case to which applies the law, "He shall not break his word" (Num. 30: 2). *Now how are we to imagine such a situation? Should I say that matters are as stated, then does the language, if I sleep, yield a valid vow? And has it not been taught on Tannaite authority: A more strict rule applies to vows than to oaths in one regard, and to oaths than to vows in another regard. The more strict rule that pertains to vows is that vows take effect when they concern a religious duty as much as when they concern what is subject to choice, which is not the case for oaths. The more strict rule with regard to oaths is that oaths take effect on something of no substance as much as on*

something of substance, which is not the case of vows [T. Ned. 1:5A-F]? And sleep is something that is not of substance! *So it must refer to a case in which he said, “Qonam be my eyes as to sleep.” But, in that case, since he has not specified an operative span of time for his vow, do we let him go on until he violates the commandment, “he shall not break his word” (Num. 30: 3)?* And didn’t R. Yohanan say, “He who says, ‘By an oath, I shall not sleep for three days,’ is flogged and may go to sleep then and there”! *And if the passage refers to a case in which he said, “Qonam be my eyes as to sleep tomorrow, if I sleep today,” lo, you already have said, “Someone may not be meticulous about a condition, but he is going meticulously to observe an actual prohibition.” So it is perfectly self-evident that he said, “Qonam be my eyes today if I sleep tomorrow, if I sleep today.” Now, if he didn’t sleep that first day, even if he sleeps tomorrow, then what is the relevance of the commandment, “he shall not break his word” (Num. 30: 3)? So the situation must be one in which he did sleep, and that proves that he is allowed to do so – which refutes the position of R. Judah!*

G. *When the rule is framed, it addresses a case in which he did sleep on the first day* [Freedman: despite the prohibition, for which very reason he may not sleep on the first].

H. *Rabina said, “In point of fact, matters are as set forth [‘qonam if I sleep’], and what is the pertinence of the rule, “he shall not break his word” (Num. 30: 3)? It pertains to rabbinical law [that is, by the law of the Torah, the vow is not valid, sleep being an abstraction, but rabbinical law enforces the vow nonetheless (Freedman)].”*

I. *Well, does the consideration, “he shall not break his word” (Num. 30: 3), ever pertain when it comes to law made on the authority of rabbis?*

J. *Yes indeed, for has it not been taught on Tannaite authority: In respect to things that are permitted, treated by others as prohibited, you are not permitted to treat as permitted in the presence of those who regard them as prohibited, in line with the verse, “he shall not break his word” (Num. 30: 3)?*

K. *We have learned in the Mishnah: [He who says, “Qonam] be what you enjoy on my account before Passover if you go to your*

father's house before the festival of Sukkot," [if] she went before Passover, she is prohibited from deriving benefit from him until Passover. [If she went] after Passover, he is subject to the rule, **"He shall not profane his word"** (Num. 30: 2) [M. Ned. 7:9A-C]. So only [if] she went before Passover, she is prohibited from deriving benefit, but if she didn't go, she is not prohibited. [Freedman: Though the condition extends to Tabernacles, we do not fear that she may yet violate it after Passover, this refutes R. Judah.]

L. Said R. Abba, "Well, [if] she went before Passover, she is prohibited from deriving benefit, and she is flogged; but if she didn't go, she is merely forbidden."

M. *Then look at what follows: [If she went] after Passover, he is subject to the rule, "He shall not profane his word" (Num. 30: 2)! But if she didn't derive benefit before Passover, how can the consideration, He shall not profane his word, apply? So it is obvious that she did derive benefit, and that proves that it is permitted – [15B] a refutation of the position of R. Judah!*

N. *The purpose of the Tannaite formulation is to say, if she benefited, then she is subject to the consideration, He shall not profane his word.*

O. *We have learned in the Mishnah: [He who says, "Qonam] be what you enjoy on my account up to the festival of Sukkot if you go to your father's house before Passover," and she went to her father's house before Passover, she is prohibited from deriving benefit from him up to the festival of Sukkot. But she is permitted to go to her father's house after Passover [M. Ned. 7:9D-F]. So only if she goes is she forbidden, but if she didn't go, she is not prohibited!*

P. *Said Raba, "The same law pertains even if she didn't go; she is forbidden. If she went, she is forbidden and flogged, if she didn't go, she is forbidden in general."*

Q. *An objection was raised: He who says, "Qonam be this loaf of bread that I am tasting, if I go to such and such a place tomorrow" – if he ate it, lo, he is subject to not going to that place; and if he went to that place, he is subject to violation of the rule, "He shall not profane his word" (Num. 30: 3) [T. Ned. 4:5A-C]. [Freedman: This, too, refutes Judah, since he may eat the loaf on the first day.]*

R. *Does the Tannaite formulation say, he may eat it? What it says is, if he ate it! Then, if he eats it, he is subject to the prohibition of not going.*

S. **If he went to that place, he is subject to violation of the rule, “He shall not profane his word” – and it does not say that he goes on the second day, surely a contradiction of R. Judah!**

T. *R. Judah will say to you, “The same law applies, and it could well say, he goes.... But since the opening clause is framed as if he eats, not, he eats, the second clause uses the same pattern, if he goes.”*

- II.1** A. **he who says to his wife, “Qonam if I have sexual relations with you” – Lo, this is a case to which applies the law, “He shall not break his word” (Num. 30: 2):**
- B. *But lo, [how can such a vow be valid,] since the Torah imposes upon him the obligation of having sexual relations with her, for it is written, “her food, her raiment, and her marriage rights he shall not diminish” (Exo. 21:10)!*
- C. *It is as though he said, “The pleasure of sexual relations with you shall be forbidden to me,” in which case he is denying himself the pleasure of sexual relations. [The effect of the vow is for him, more than her.] 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.”*

2:1Q-R

- Q. **[If he said], “By an oath that I shall not sleep,” “that I shall not speak,” “that I shall not walk” –**
- R. **It is binding.**

2:2A-B

- A. **[He who says,] “For qorban I shall not eat with you!” “Qorban be what I eat with you!” “Not-qorban be what I do not eat with you!” –**
- B. **He is not bound.**

- I.1** A. **[16A] In accord with which authority is our Mishnah paragraph?**
- B. *It is R. Meir, since it cannot be R. Judah, for has he not declined to differentiate between the language, a qorban and Oh! qorban!?*

- C. *Then look at what follows: “For qorban I shall not eat with you!” “Qorban be what I eat with you!” “Not-qorban be what I do not eat with you!” – he is not bound. But we have learned in the Mishnah: [If he says,] “For a qorban shall be what I eat with you,” R. Meir declares him bound [M. 1:4I-J]! And what struck us as a problem is, does not R. Meir reject the position, out of a “no,” you hear a “yes”? And said R. Abba, “He is treated as though he had said, ‘Let your food be for an offering, therefore I will not eat of your food.’”*
- D. *That is no problem. In the latter case he used the formulation, “for an offering [qorban],” but here in the passage before us he has said, “not for an offering [qorban],” that is, “let it not be an offering.”*

2:2C-D

- C. **“By an oath, I shall not eat with you!” “By an oath, if I shall eat with you,” “Not by an oath I shall not eat with you,”**
- D. **he is bound.**

- I.1** A. *Then it follows that if he used the language, “Oh, oath, that I eat of yours,” the sense is, “I won’t eat.” But by way of contrast: Oaths are of two sorts, which yield four subdivisions [M. 1:1A]. (1) “I swear I shall eat,” and (2) “...I shall not eat,” (3) “...that I ate,” and (4) “...that I didn’t eat” [M. Shebu. 3:1A-C]. Now since the passage refers to the language, “...I shall not eat,” (3) “...that I ate,” and (4) “...that I didn’t eat,” that would surely suggest the language, “that I shall eat of yours,” bears the sense, “I will eat.”*
- B. *Said Abbaye, “In point of fact, the language cited means ‘I shall eat.’ Before us is a case in which people pressure the man to eat, and he said, ‘I’ll eat, I’ll eat.’ And furthermore, ‘by an oath, I’ll eat,’ which certainly means that he is agreeing to eat. But if he said, ‘I’ll not eat, I’ll not eat,’ and further said, ‘By an oath, I’ll eat,’ the meaning in that instance is, ‘I’ll not eat.’”*
- C. *R. Ashi said, “The use of the language, ‘that I’ll eat,’ in the context of an oath, means, ‘that I won’t eat.’ An oath, if I eat anything of yours.”*
- D. *If so, then what’s the point [for “if” and “not” are indistinguishable]?*
- E. *What might you otherwise have supposed? That the man stumbled when he spoke [intending to say that he would eat but instead saying that he wouldn’t]? So we are informed that that is not the case.*
- F. *How come Abbaye did not give the explanation that R. Ashi stated?*
- G. *Because the language before us is not, “That I will not eat.”*

- H. And R. Ashi?
- I. *He rejects the explanation of Abbayye, for he takes the view that the language, "that I won't eat," bears two meanings. That is, if they were urging him to eat, and he said, "I won't eat, I won't eat," and he said also, "By an oath," whether he said "that I'll eat" or "that I'll not eat," the sense is, "that I'll eat." But the meaning of "I swear that I'll not eat" is possible as well.*
- J. *But the Tannaite authority maintains a rule governing all cases: the language "that I'll eat" always means, "I will eat," and the language, "that I won't eat," always means, "I won't eat."*

2:2E-K

- E. **This rule is therefore more strict in the case of oaths than in the case of vows.**
- F. **But [there is] a more strict rule which applies to vows than applies to oaths.**
- G. **How so?**
- H. **[If] he said, "Qonam be the Sukkah [hut for the festival of Tabernacles] which I am making!" "The lulab which I am taking!" "The tefillin which I am laying on" –**
- I. **in the case of vows, it is binding.**
- J. **In the case of oaths, it is not binding.**
- K. **For an oath is not taken to transgress the commandments [of the Torah].**

- I.1** A. **[16B] ...more strict?** *Then it would be implied that the vows are valid to begin with. But lo, the language that is used is, **binding, not binding** [that is, valid or invalid].*
- B. *That is with respect to the prior segment of the same paragraph, namely, [If he said], "By an oath that I shall not sleep," "that I shall not speak," "that I shall not walk" – it is binding.*
- C. *[Since such vows are binding only by rabbinical law, while oaths along these same lines are binding by the law of the Torah,] **this rule is therefore more strict in the case of oaths than in the case of vows.***

- II.1** A. **But [there is] a more strict rule which applies to vows than applies to oaths. How so? [If] he said, "Qonam be the Sukkah [tabernacle] which I am making!" "The lulab [palm branch] which I am taking!" "The tefillin which I am laying on" – in the case of vows, it is binding. In the case of**

oaths, it is not binding. For an oath is not taken to transgress the commandments [of the Torah]:

- B. R. Kahana repeated: Said R. Giddal said Rab, and R. Tabyumi repeated, said R. Giddal said Samuel, “How on the basis of Scripture do we know that **an oath is not taken to transgress the commandments [of the Torah]**? Scripture states, ‘When a man...swear an oath...he shall not break his word’ (Num. 30: 3) – he may not break his word, but he must break a word [an oath] in regard to matters pertaining to Heaven [Freedman: when the subject of the vow is a divine obligation].”
- C. *Then what differentiates vows?*
- D. “When a man vows a vow to the Lord...he shall not break his word” (Num. 30: 3) [the vow binds, even when it refers to Heaven].
- E. *But with reference to an oath, too, it is written, “...or swear an oath unto the Lord, he shall not break his word” (Num. 30: 3)!*
- F. Said Abbaye, “In the case of vows, what one says is, ‘The pleasure of this Sukkah is forbidden to me.’ But if he had said, ‘By an oath, I shall not benefit from the Sukkah’ [then the oath would fall on him, and one cannot free himself by an oath from an obligation to Heaven (Freedman)].”
- G. Said Raba, “So were the religious duties handed down for our pleasure?!”
- H. Rather, said Raba, “In the matter of vows, what he says is, ‘sitting in the Sukkah be forbidden to me,’ [the vow falls on the Sukkah, which is made forbidden, but not the person], but in the case of the oath, ‘I swear I won’t sit in the Sukkah’ [and that pertains to the person].”

II.2 A. *So does the principle that an oath is not taken to transgress the commandments [of the Torah] derive from here? Surely it derives from elsewhere, as it has been taught on Tannaite authority:*

- B. **Might one suppose that if one takes an oath to transgress a religious duty [but did not do so], he should be liable [vs. the proposition of M. Shebu. 3:6G: If one has taken an oath to nullify a religious duty but did not do so, he is exempt]?**
- C. **[17A]** Scripture says, “to bad or good purpose,”
- D. **just as doing good must be an optional matter, so doing bad must be an optional matter,**
- E. **thus excluding taking an oath to violate a religious duty [which is not a choice that people have at all] [Sifra LV:I.5].**

- F. *One verse serves to exempt him from the offering required for violating the oath, one to exempt him from punishing for having violated the negative commandment concerning an oath.*

2:3

- A. **There is a vow within a vow, but there is no oath within an oath.**
B. **How so?**
C. **[If] he said, “Lo, I am a Nazir if I eat,” “Lo, I am a Nazir if I eat,”**
D. **[and if] he ate,**
E. **he is liable for each such statement [and observes two spells of Naziriteship].**
F. **[If he said], “By an oath I shall not eat,” “By an oath I shall not eat,”**
G. **and he ate,**
H. **he is liable for one count only.**

I.1

- A. Said R. Huna, “The rule applies only if he said, ‘Behold, [if I eat this loaf of bread,] I will be a Nazirite today, behold [if I eat this loaf of bread,] I will be a Nazirite tomorrow.’ *For, since he adds an extra day, one vow of Naziriteship takes effect while another is already in place.* But if he said, ‘Behold, [if I eat this loaf of bread,] I will be a Nazirite today, behold [if I eat this loaf of bread,] I will be a Nazirite today,’ one vow of Naziriteship does not take effect where another is in place.”
- B. And Samuel said, “Even if he said, ‘Behold, [if I eat this loaf of bread,] I will be a Nazirite today, behold [if I eat this loaf of bread,] I will be a Nazirite today,’ the second vow to be a Nazirite takes effect.”
- C. *Now, from the perspective of R. Huna, instead of using the language, **but there is no oath within an oath**, the framer of the Mishnah ought to have stated matters as,* sometimes there is a vow within a vow, and sometimes there is no vow within a vow. Specifically, if he said, ‘Behold, [if I eat this loaf of bread,] I will be a Nazirite today, behold [if I eat this loaf of bread,] I will be a Nazirite tomorrow,’ then there is a vow within a vow. But if he said, ‘Behold, [if I eat this loaf of bread,] I will be a Nazirite today, behold [if I eat this loaf of bread,] I will be a Nazirite today,’ **[17B]** there is no vow within a vow.
- D. *That’s a valid question.*

E. *We have learned in the Mishnah: **There is a vow within a vow, but there is no oath within an oath.** Now how are we to understand such a case? Should we suppose that he said, “Lo, I shall be a Nazirite today, lo, I shall be a Nazirite tomorrow,” in which case the analogous oath would be, “By an oath, I shall not eat figs,” and then he went and said, “By an oath, I shall not eat grapes,” then why in the world would one oath not take effect in a situation in which another oath is in place? Rather, how are we to understand a case in which one oath does not take effect when another oath is already in place? It would involve a situation in which he said, “By an oath, I shall not eat figs,” and then he said, “By an oath, I shall not eat figs.” [Should he eat figs, he is liable on only one count.] But the analogous vow would be, “Behold, I will be a Nazirite today, behold I will be a Nazirite today,” and it is explicitly stated, **There is a vow within a vow.** Doesn’t this refute the position of R. Huna?*

F. *R. Huna will say to you, “The Mishnah paragraph refers to someone who said, ‘Lo, I shall be a Nazirite today, lo, I shall be a Nazirite tomorrow,’ to which the comparable oath would then be, ‘By an oath, I shall not eat figs,’ and then he went and said, ‘By an oath, I shall not eat figs and grapes’ – in which instance the second oath does not take effect while the first is in force.”*

G. *But didn’t Raba say, “If someone said, ‘I swear that I will not eat figs,’ and then he went and said, ‘I swear I won’t eat figs and grapes [together on the same day],’ and he ate figs, designated an animal for his offering, and then he went and ate grapes by themselves, but only in half of the specified quantity covered by the first oath [Silverstone, Shabuot 28B: as soon as he had set apart the offering for the figs, they can no longer combine with the grapes to make him liable for the first oath, so he is not now violating the first oath by eating the grapes, for the oath was grapes and figs], he is not then liable for half the specified quantity, and there is no liability to an offering for one half of the minimum extent of a law violation.” Therefore in a case in which he said, ‘By an oath, I shall not eat figs,’ and then he went and said, ‘by an oath, I shall not eat figs and grapes,’ since the second oath is valid in regard to the grapes, it pertains also to the figs!?”*

H. *So R. Huna doesn’t agree with Rabbah.*

I. *An objection was raised: He who took two vows as a Nazirite, counted out the first, and designated animals for the required offerings, and then sought absolution from the first from a sage, to declare it not binding for him – the second vow to be a Nazirite takes the place of the first [cf. T. [Nezirut 2:15](#)].* [He does not have to observe another thirty days; since the first is absolved, the thirty days already counted serve to fulfill the second vow, and the offering is used for the same purpose.] *Now how can we imagine such a situation? Should I propose that he said, “Lo, I am a Nazirite today, lo, I am a Nazirite tomorrow”? Then why is it the case that the second vow to be a Nazirite takes the place of the first? Lo, there is the consideration of that additional day. So it must obviously be a case in which he said, “Lo, I am a Nazirite today, lo, I am a Nazirite today,”* [\[18A\]](#) *and this is then a refutation of the opinion of R. Huna!*

J. *Not at all. The real meaning is, he said, “Lo, I am a Nazirite today, lo, I am a Nazirite tomorrow,” and what is the meaning of the language, the second vow to be a Nazirite takes the place of the first? It means, except for that one extra day. Or, it can mean, he undertook two spells of being a Nazirite at one and the same time.*

K. *Objected R. Hamnuna, “...to vow a vow of a Nazirite, declaring themselves a Nazirite unto the Lord’ (Num. 6: 2) – on the strength of this verse, it is to be concluded that one Nazirite vow may take effect upon another that is already in effect. [Freedman: If one who is already a Nazirite takes a Nazirite vow, it is binding and commences when the first ends.] But would the contrary not be more logical? If an oath, which is subject to more strict rules, is such that one oath does not take effect upon another that is already in effect, then in the matter of Nazirite vows, should that all the more so be the case? So Scripture states, ‘...to vow a vow of a Nazirite, declaring themselves a Nazirite unto the Lord’ (Num. 6: 2) – on the strength of this verse, it is to be concluded that one Nazirite vow may take effect upon another that is already in effect. Now how are we to imagine such a situation? Should I say that he said, ‘Lo, I am a Nazirite today, lo, I am a Nazirite tomorrow’? Then is a verse of Scripture necessary to make such a point [which is obvious]! Rather, isn’t a case in which he said, ‘Lo, I shall be a Nazirite today, lo, I shall be a Nazirite today,’ and it is*

taught, one Nazirite vow may take effect upon another that is already in effect."

L. Not at all. Here with what sort of a case do we deal? It is one in which he accepted upon himself two Nazirite vows simultaneously.

M. And in what aspect is the stringency that pertains to the oath but not to the vow? Should we say that the oath takes hold even in a matter that is not of substance? A vow likewise is strict in that it takes effect in a matter of a religious duty as much as it does in a matter that is optional. Rather, because it is written, "He shall not be held guiltless that takes my name in vain" (Exo. 20: 7).

- II.1** A. **[If he said], "By an oath I shall not eat," "By an oath I shall not eat," and he ate, he is liable for one count only:**
- B. Said Raba, "If he got remission for the first oath, the second takes effect in its stead. *How so? Since the language is not used, it is only one oath, but rather, he is liable for one count only, there is no space for the second to impose a penalty, [since the count on which he is guilty is the first oath]. But if the first is remitted, then the second becomes binding.*"
- C. *Another version of the same matter: "There is no penalty for the second, but it is a valid oath."*
- D. *What is the practical relevance of this law?*
- E. *It is in line with what Raba said, for said Raba, "If he got remission for the first oath, the second takes effect in its stead."*
- F. *May we say that this language supports him: **He who took two vows as a Nazirite, counted out the first, and designated animals for the required offerings, and then sought absolution from the first from a sage, to declare it not binding for him – the second vow to be a Nazirite takes the place of the first [cf. T. [Nezirut 2:15](#)].*** [He does not have to observe another thirty days; since the first is absolved, the thirty days already counted serve to fulfill the second vow, and the offering is used for the same purpose. Here, too, in the case of the oath, when the first is absolved, the second takes its place, as Raba says (Silverstone).]
- G. Not at all, it speaks of a case in which he took both vows simultaneously.

2:4

- A. [18B] Vows which are not spelled out are subject to a more stringent rule, and [vows] which are spelled out are subject to a more lenient rule.
- B. How so?
- C. [If] he said, “Lo, it is to me like salted meat,” “Like wine used for idolatrous worship,”
- D. if his vow referred to things belonging to Heaven, it is binding.
- E. If it is of things belonging to idolatry that he vowed, it is not binding.
- F. But if he vowed without specification, it is binding [as at D].
- G. [If he said,] “Lo, it is to me like a devoted thing,”
- H. if he said, “Like a thing devoted to Heaven,” it is binding.
- I. If [he said,] “Like a thing devoted to priests,” it is not binding.
- J. And if he said it without further specification, it is binding [as at H].
- K. [If he said,] “Lo, it is unto me like tithe,”
- L. if he vowed that it was like tithe of cattle, it is binding.
- M. If it was like tithe of the threshing floor, it is not binding.
- N. And if he said it without further specification, it is binding [as at L].
- O. “[If he said], ‘Lo, it is to me like heave-offering,’
- P. “if he vowed that it was like heave-offering of the chamber [of the Temple], it is binding.
- Q. “And if it was like that of the threshing floor, it is not binding.
- R. “And if it was without further specification, it is binding,” the words of R. Meir.
- S. R. Judah says, “A statement referring without specification to heave-offering made in Judah is binding. But in Galilee, it is not binding.
- T. “For the men of Galilee are not familiar with heave-offering belonging to the chamber.
- U. “Statements that something is devoted, without further specification, in Judah are not binding, and in Galilee they are binding.
- V. “For the Galileans are not familiar with things devoted to the priests.”

I.1 A. *[By contrast to the statement, Vows which are not spelled out are subject to a more stringent rule] we have learned in the Mishnah: A matter of doubt concerning Naziriteship is subjected to a lenient ruling [M. Toh. 4:12E].*

- B. *Said R. Zira, “No problem, the one statement stands for R. Eliezer, the other, the view of rabbis, for it has been taught on Tannaite authority: He who consecrates all his beasts and his cattle – the koy [a beast not clearly classified as cattle or wild beasts] is included in the act of sanctification. R. Eliezer says, ‘He has not sanctified the koy.’ He who maintains that what is subject to doubt is covered among the man’s chattels takes the view that the same is so in the case of the man himself [Freedman: having subjected himself to an unspecified vow, his intention is that the most rigorous interpretation of his words shall apply]. But he who holds that doubt does not extend to the chattels maintains that [19A] all the more so of the person of the man himself.”*
- C. *Said to him Abbaye, “Now how have you interpreted the rule, **A matter of doubt concerning Naziriteship is subjected to a lenient ruling [M. Toh. 4:12E]**? Is this in accord with R. Eliezer? Then notice what follows in the same context: **A matter of doubt concerning firstlings – all the same is the rule for the firstborn of man and the firstborn of cattle, whether unclean or clean, for: he who would take something away from his fellow, upon him is the burden of proof [M. Tohorot 4:12F-H]**. And in this regard the Tannaite statement has it: Such beasts [that may or may not be in the status of firstborn and therefore are subject to the claim of ownership by a priest] are forbidden as to shearing and use in common labor.” [Freedman: How can this be the view of Eliezer, who holds that, when in doubt, the animal is not regarded as consecrated?]*
- D. *He said to him, “Why do you treat as comparable sanctification that comes about on its own [the firstling is automatically holy] and sanctification that comes about by human declaration?”*
- E. *Rather, if there is a problem, here is the real problem: “**A matter of doubt concerning liquids, if this is as to whether they have contracted uncleanness, the doubt is resolved as unclean, and if it is as to whether they have been made clean, the doubt is resolved as clean,**” the words of R. Meir. And so did R. Eleazar rule in accord with his opinion. And R. Judah says, “**In all instances it is resolved as unclean**” [T. Tohorot 5:10C-E]. But does R. Eliezer hold that, if it is a matter of doubt as to whether the liquids are themselves unclean, then they are held to be unclean? And has it not been taught on Tannaite authority: R. Eliezer says, ‘By the law of the Torah, uncleanness in no way pertains to liquids. You may know that that is so, for lo, testified R. Yosé b. Yoezer of Seredah about (1) a qamsa locust,*

that it is clean [for eating]; and about (2) liquid in the slaughterhouse, that it is insusceptible to uncleanness; and (3) that one who touches a corpse [alone, and not what that person in turn will touch] is unclean. And they called him Yosé the Easy-going [M. Ed. 8:4]?” Now, from the perspective of Samuel, there is no problem, since in his view, the sense that they are clean is, only insofar as imparting uncleanness to other liquids, but they are unclean in themselves. But from the perspective of Rab, who held that they are unclean in a literal way, even in their own regard, what is to be said?

- F. Rather, the one statement represents the position of R. Judah [that is, the Mishnah paragraph of Mishnah-tractate Tohorot], and the other, the position of R. Simeon [that is, the passage before us]. For it has been taught on Tannaite authority: If someone said, “Behold, I will be a Nazirite, if this stack contains a hundred kor,” but he goes and finds the stack stolen or destroyed – R. Judah says, “He is not a Nazirite.” R. Simeon says, “He is a Nazirite.”

I.2 A. But positions of R. Judah contradict one another. Did he really take the position that one will not put himself into a situation of doubt [so that as in this case, he is a Nazirite only if it is certain that of the facts of the matter, and here he cannot be certain of the volume of the stack of wheat]? And then, by way of contradiction: **R. Judah says, “A statement referring without specification to heave-offering made in Judah is binding. But in Galilee, it is not binding. For the men of Galilee are not familiar with heave-offering belonging to the chamber. Statements that something is devoted, without further specification, in Judah are not binding, and in Galilee they are binding. For the Galileans are not familiar with things devoted to the priests.”** So the operative consideration is that they are not familiar with the matter. **[19B]** Then, if they are familiar with the matter, the vow would be binding!

B. Said Raba, “In the case of the stack of grain, he takes the view that, since what is subject to doubt is weightier than what is certain, someone will not place himself into a situation of doubt. For, in the matter of his being a Nazirite, if he is certainly so, he shaves and presents his sacrifice, which is eaten; but if he is subject to doubt as to his status as a Nazirite, he may never shave [shaving follows the sacrifices, but he cannot make sacrifices if he is subject to doubt].”

C. Said R. Huna bar Judah to Raba, "If he said, 'Lo, I shall be a perpetual Nazirite,' *what is the law?*" [Freedman: Here the doubt cannot be more stringent than the certainty, since the term never expires, and since Judah draws no distinction in matters of Nazirite vows, his ruling must apply even to such.]

D. *He said to him, "As to one whose vow involved perpetual Naziriteship, here, too, the matter that is subject to doubt is weightier than the matter that is certain. For if he is certainly subject to the Nazirite vow, then, if his hair got too heavy, he may lighten it by trimming and offer three animal-offerings. But if he were a Nazirite but subject to doubt as to his status, he may not do so."*

E. "If he said, 'lo, I shall be a Nazirite in the status of Samson,' *what is the law?*"

F. *He said to him, "A Nazirite in the model of Samson has not been set forth within the Tannaite framework [and that classification is not contained within the language at hand.]* [Freedman: The term Nazirite may include a lifelong Nazirite but not a Samson-Nazirite, which would involve a particular articulation.]

G. *He said to him, "But lo, R. Ada bar Ahbah said, 'A Nazirite in the model of Samson has been set forth within the Tannaite framework.'"*

H. *He said to him, "Well, then, if it has been set forth within the Tannaite framework, so be it."*

I.3

A. *R. Ashi said, "What we have at Mishnah-tractate Tohorot [A matter of doubt concerning firstlings – all the same is the rule for the firstborn of man and the firstborn of cattle, whether unclean or clean, for: he who would take something away from his fellow, upon him is the burden of proof (M. Tohorot 4:12F-H)] represents R. Judah in the name of R. Tarfon. For it has been taught on Tannaite authority: R. Judah in the name of R. Tarfon says, 'None of them is a Nazirite, because vows on becoming a Nazirite must be set forth with certainty' [T. Naz. 3:19P]."*

B. *If so, then why is that the case in particular with the stack of wheat that was stolen or destroyed?* [Freedman: Even if the stack is intact and contains the stipulated measure, the vow of Naziriteship should be invalid, since when the vow was taken, the volume of the stack was unknown.]

C. *That is to show you the full extent of the position taken by R. Simeon, who holds that, even if the stack was stolen or destroyed, he still takes the view that a person indeed will subject himself to a situation of doubt.*

- II.1** A. **R. Judah says, “A statement referring without specification to heave-offering made in Judah is binding. But in Galilee, it is not binding. For the men of Galilee are not familiar with heave-offering belonging to the chamber. Statements that something is devoted, without further specification, in Judah are not binding, and in Galilee they are binding. For the Galileans are not familiar with things devoted to the priests”:**
- B. *Lo, if they were familiar with the matter, the vows would have been binding. It follows then that a case of doubt is resolved in favor of stringency. But then note what follows: Statements that something is devoted, without further specification, in Judah are not binding, and in Galilee they are binding. For the Galileans are not familiar with things devoted to the priests. Lo, if they were familiar with the matter, the vows would not have been binding. It follows then that a case of doubt is resolved in favor of leniency.*
- C. *Said Abbaye, “The latter clause stands for the position of R. Eleazar b. R. Sadoq, as has been taught on Tannaite authority: R. Eleazar b. R. Sadoq says, ‘Statements that something is devoted, made without further clarification, in Judah are not binding and in Galilee are binding’ [T. Ned. 1:6L].”*

2:5

- A. [20A] [If] one vowed by “herem,” but then he said, “I vowed only concerning that which is a herem [a net] of the sea,”
- B. [or if he vowed] by “qorban,” but then he said, “I vowed only concerning qorban [offerings] to kings,”
- C. [if he said,] “Lo, asmi [my bone] is qorban,” and explained, “I vowed only concerning the esem [bone] which I placed before me by which to vow,”
- D. [if he said,] “Qonam is that benefit which my wife derives from me,”
- E. and he said, “I vowed only concerning my first wife, whom I have already divorced” –
- F. “in all these cases they do not accept inquiry concerning them. But if they accept inquiry, they punish and treat them strictly,” the words of R. Meir.

G. And sages say, “They find an opening for them in some other place [by some pretext].

H. “And they instruct them that they not treat vows lightly.”

I.1 A. *Lo, there is a contradiction in the body of the paragraph at hand. First you say, in all these cases they do not accept inquiry concerning them. But then, But if they accept inquiry, they punish and treat them strictly!*

B. *Said R. Judah, “This is the sense of the Tannaite statement: In all these cases they do not accept inquiry concerning them. Under what circumstances? In the case of a disciple of a sage. But in the case of an unlettered person who comes for absolution, they punish and treat them strictly.*

I.2 A. *Now there is no problem making sense of the statement, and treat them strictly, which means, they do not propose an opening for regret and release of the vow. But what is the sense in which they are punished?*

B. *It is in line with that which has been taught on Tannaite authority: “If one vowed to be a Nazirite and violated his vow, they do not accept an inquiry from him about releasing the vow until he has acted as if he is bound by the vow for at least as many days as he acted as if he was not bound by it,” the words of R. Judah [T.: Meir]. Said R. Yosé, “Under what circumstances? If it is a vow that is to last for a long time. But if it is a vow that is to last for a short time, it suffices for him to observe it for thirty days” [T. Ned. 1:6E-J].*

C. *Said R. Joseph, “Since rabbis have said, they do not get involved with his case, a court that does so prior to the appropriate time has not acted properly.”*

D. *R. Aha bar Jacob says, “We put that court into excommunication.”*

II.1 A. **And sages say, “They find an opening for them in some other place by some pretext. And they instruct them that they not treat vows lightly”:**

B. *A Tannaite statement: A person should under no circumstances regularly take vows, because in the end you will commit sacrilege in the matter of oaths; and do not spend a lot of time with an unlettered person, for in the end he will feed you food that is liable for the separation of tithes but not yet tithed; and in the end, do not spend a lot of time with a priest who is an unlettered person, for in*

the end he will feed you priestly rations. And don't spend a lot of time chatting with women, since in the end this will lead you to adultery.

Topical Appendix in the Matter of Adultery

- II.2** A. R. Aha b. R. Josiah says, "Whoever stares at women in the end will fall into transgression, and whoever stares at a woman's heel will have children who behave improperly."
- B. Said R. Joseph, "That applies also to one's wife when she is menstruating."
- C. *Said R. Simeon b. Laqish, "The sense of 'heel' in that Tannaite statement is euphemistic, namely, the place that becomes unclean, which is opposite the heel [when the woman squats]."*
- II.3** A. *It has been taught on Tannaite authority:* "And Moses said to the people, do not fear, for God is come to prove you, that fear of him may be before your faces" (Exo. 20:17) – this refers to shamefacedness.
- B. "That you do not sin" (Exo. 20:17) – this teaches that shamefacedness leads to fear of sin.
- C. On this basis, sages have said, "A good trait of someone is that he should be somewhat bashful."
- D. Others say, "Any man who is bashful will not readily sin."
- E. And of one who is not shamefaced one may be certain that his fathers did not stand at Mount Sinai.
- II.4** A. Said R. Yohanan b. Dehabai, "There are four matters that the ministering angels told me:
- B. "Children are born lame because [the parents] turned their table upside down [having sex other than missionary style];
- C. "...dumb, because they practice cunnilingus;
- D. "...deaf, because they talk during sex;
- E. "...blind, because they stare at 'that place.'"
- F. *By way of contradiction:* They asked Imma Shalom, "How come **[20B]** your children are so beautiful?"
- G. She said to them, "He 'talks' with me not at the beginning of the night nor at the end of the night but at midnight. And when he 'talks,' he thumps up and down so as to uncover a handbreadth and cover a handbreadth, and he is as though compelled by a demon.
- H. "So I said to him, 'How come?'"

- I. “And he said to me, ‘So that I won’t ever “look at” any other women, and my children end up in the status of *mamzerut* [that is, lest I produce children with a woman whom I am not legally permitted to wed].”

J. *No problem, the one refers to chatter about sex [which is o.k.], the other, anything else.*

II.5 A. Said R. Yohanan, “That represents the position of Yohanan b. Dehabai, but sages have said, ‘The law is not in accord with Yohanan b. Dehabai. Rather, Whatever someone wants to do with his wife in sexual relations he should do.

B. “The matter may be compared to meat that comes from the slaughterhouse [which is permitted for eating]. If one wants to eat it salted, he eats it that way; roasted, he eats it that way; boiled, he eats it that way; seethed, he eats it that way; so, too, fish from the fish store.”

II.6 A. *Said Amemar, “Who are these ‘ministering angels’ anyhow? They are rabbis. For if you should say that they really were ministering angels, then how come R. Yohanan said, ‘The law is not in accord with Yohanan b. Dehabai’? Lo, the ministering angels are really better informed about the formation of the foetus than we are! And how come he referred to them as ministering angels? Because they are as distinguished as ministering angels.”*

II.7 A. *A woman came before Rabbi. She said to him, “My lord, I set ‘the table’ but he turned it over.”*

B. He said to her, “My daughter, the Torah has permitted you to him, and as for me, what can I do for you?”

II.8 A. *A woman came before Rab. She said to him, “My lord, I set ‘the table’ but he turned it over.”*

B. *He said to her, “So how is it different from fish [which can be prepared any which way]?”*

II.9 A. “And that you seek not after your own heart” (Num. 15:39):

B. On this basis Rabbi said, “Someone should not drink from this cup while looking at another cup.”

C. *Said Rabina, “That rule applies even if both of them are his wives.”*

- II.10** A. “And I will purge out from among you the rebels and those that transgress against me” (Eze. 20:38):
- B. Said R. Levi, “This refers to children in the following nine classifications: children born of a rape of a husband by a wife; rape; a wife one hates; a woman under a ban; a woman confused with some other; of strife, drunkenness during intercourse, a woman one has decided to divorce, children of promiscuity, and children of a brazen woman [who demands sex].”
- C. Is that so? But didn’t R. Samuel bar Nahmani say R. Jonathan said, “Any man whose wife calls him to sexual relations will have children of the like of which the generation of our lord, Moses, didn’t have, as it is said, ‘Take you wise men and understanding and known among your tribes and I will make them rulers over you’ (Deu. 1:13); and ‘So I took the chiefs of your tribes, wise men and known’ (Deu. 1:15) – without reference to ‘understanding.’ But it is written, ‘Issachar is a large-boned ass’ (Gen. 49:14), and elsewhere, ‘and of the children of Issachar, who were men that had understanding of the times’ (1 Chr. 12:33).” [Freedman: This was Leah’s reward, proving that it is meritorious for a woman to demand sexual relations.]
- D. *That applies when the woman is seductive.*