

XI.

BAVLI NEDARIM CHAPTER ELEVEN

FOLIOS 79A-91B

11:1

- A. And these are the vows that he annuls:
- B. matters of inflicting self-punishment [= afflicting the soul (Num. 30:13)], for example:
- C. "...If I shall wash," or "If I shall not wash," "...If I shall adorn myself," or "...If I shall not adorn myself."
- D. [79B] Said R. Yosé, "These are not vows which inflict self-punishment."

11:2

- A. "And what are those vows which do inflict self-punishment?"
- B. "[If] she said, 'Qonam to me be the produce of the world,' lo, this [sort of vow] he does have the power to annul.
- C. "[If she said, 'Qonam be to me the produce of this province,' let him bring her produce from another province.
- D. "[If she said, 'Qonam] be the produce of this stall for me,' he cannot annul that vow.
- E. "But if he derived his provisions from that particular store alone, lo, this one may annul the vow" the words of R. Yosé.

- I.1** A. Can he annul only vows of inflicting self-punishment, but not vows that do not inflict self-punishment? *But has it not been taught on Tannaite authority:*

- B. “Between a man and his wife, between a father and his daughter” (Num. 30:17) – this teaches that a husband may nullify vows that affect the relationship between him and her.
- C. *Say: These and those he has the power to nullify, but while he may permanently nullify vows that inflict self-punishment, as to vows that do not inflict self-punishment, the nullification takes effect so long as she is subject to his authority, but if he divorces her, the vow then takes effect.*
- D. This refers to matters that affect the relationship between him and her in which there is no element of self-punishment. But as to those that contain an element of self-punishment, the vow does not take effect.
- E. *But then if the vows do not involve self-punishment, do they become effective when he divorces her? But lo, we have learned in the Mishnah: **R. Yohanan b. Nuri** says, “Let him annul it, lest he divorce her, and she be prohibited from returning to him” [M. 11:4E]! That proves that, if he divorces her having annulled the vow, the nullification remains effective!*
- F. *Say: Both this and that represent a valid nullification, but as to vows that involve self-punishment, his nullification pertains both to himself and to third parties, but if there is no component of self-punishment, he can nullify the vow in his own regard but not in regard to third parties [that is, if he divorces her and she remarries, the vow resumes effect (Freedman)]. That is in line with the Tannaite statement: **And these are the vows which he annuls** – in respect to both himself and third parties – **matters of inflicting self-punishment.***

II.1 A. “...If I shall wash,” or “If I shall not wash”:

- B. *What is the sense of this statement? Should I say that she said, “Qonam be the produce of the world to me if I wash”? Then let her just not wash, and the produce of the world won’t be forbidden to her.*
- C. *Not only so, but could R. Yosé allege in such a case as this that **These are not vows which inflict self-punishment?** Maybe she will wash, so that the produce of the world will be forbidden to her!*
- D. **[80A]** *So maybe it’s a case in which she said, “Qonam forever be to me the enjoyment of washing if I should wash even once”? It is on that account that he may nullify the vow for her, for what are her choices? If she bathes once, the pleasure of later baths is forbidden to her; if she doesn’t bathe even once, she becomes nauseating. R. Yosé for his part says that she doesn’t take a bath, since we couldn’t care less if she’s disgusting.*

- E. *If so, then this is the correct Tannaite formulation of the matter:* R. Yosé says, “This stipulation does not involve self-punishment.”
- F. *Rather, it’s a case in which she used the language,* “May the pleasure of bathing be forbidden to me forever, if I take a bath today,” *and R. Yosé takes the position that* the fact that she is disgusting for a single day does not fall into the classification of what is really disgusting.

II.2 A. So you have explained the language, “**...If I shall wash.**” *But what is the sense of the language, “If I shall not wash”? Should I say that she said, “May the pleasure of washing be forbidden to me forever if I don’t wash today,” then why bother nullifying the vow? Let her take a bath!*

- B. Said R. Judah, “*It is a case in which she said, ‘May the pleasure of washing be forbidden to me today if I don’t bathe in water in which flax was steeped [which is disgusting, hence a vow of self-punishment].’*”

C. *Along these same lines it has been taught as a Tannaite statement: “...If I shall adorn myself,” or “...If I shall not adorn myself” – meaning, “If I don’t adorn myself with naphtha.”*

D. But that makes her dirty [so what’s the sense of **adorn** here]?

E. Said R. Judah, “*It is a case in which she said, ‘May the pleasure of washing be forbidden to me for ever, if I bathe today, and by an oath, I shall not bathe today’; ‘the pleasure of adornment be forbidden to me forever if I adorn myself today, and I swear I won’t adorn myself today.’*”

F. *Said Rabina to R. Ashi, “But lo, in that case, the language of the Mishnah should be: **And these are the vows** and the oaths **that he annuls!**”*

G. *He said to him, “Then repeat it in the language: **And these are the vows** and the oaths **that he annuls.** Or, if you prefer, I shall say, the words for oath and vow are in fact interchangeable, for we have learned in the Mishnah: [He who says], “**As the vows of the evil folk...**,” has made a binding vow in the case of a Nazir, or in the case of [bringing] an offering, or in the case of an oath [M. 1:1G].”*

II.3 A. *Now did rabbis maintain that the matter of washing or not washing involves self-punishment? And by way of contradiction:* Even though all of these are forbidden on the Day of Atonement, the penalty of extirpation is incurred only

on account of eating, drinking, and working. Now, if you maintain that not washing involves self-punishment, then, if one has washed on the Day of Atonement, one should incur the penalty of extirpation!

- B. Said Raba, “Each stands in its own scriptural context. In respect to the Day of Atonement, it is written, ‘You shall afflict your souls’ (Lev. 16:29), meaning, something in which the affliction is forthwith perceived; in regard to bathing, that is not going to be an affliction that is perceived right away. In respect to vows, it is written, ‘every vow and every binding oath to afflict the soul’ (Num. 30:14) – something that brings about affliction is at issue, and not bathing for a long time brings about affliction.”

- II.4** A. There is a conflict between the present statement of R. Yosé and another statement of his, specifically: **With regard to a well of water belonging to the townsfolk, if it is a question of their own lives or those of outsiders, their own lives take precedence; if it involves their own cattle or the cattle of outsiders, their own cattle take precedence over those of outsiders; if it involves their own laundry or that of outsiders, doing their own laundry takes precedence over doing that of others. But if the choice involves using the water for saving the lives of outsiders or for doing their own laundry, the lives of outsiders take precedence over doing their own laundry. R. Yosé says, “Doing their own laundry takes precedence over saving the lives of outsiders” [cf. T. B.M. 11:33-37].** Now if merely not to do laundry, said R. Yosé, involves anguish, [81A] how much the more so not washing the body!
- B. Say: True enough, in the view of R. Yosé, not doing laundry in fact is of greater consequence than not washing. For said Samuel, “Head-scabs on account of wearing unclean clothes cause madness; scabs due to neglect of the body bring about only boils or ulcers.”

- II.5** A. They sent word from there: “Be meticulous about scabs,
B. “be meticulous about learning in community,
C. “be meticulous about the children of the poor, for from them Torah goes forth: ‘The water shall flow out of his buckets,’ [and since the words for buckets and poor use the same consonants, the meaning is,] from the poor, among whom Torah goes forth.”
D. So how come disciples of sages do not commonly come forth among the children of disciples of sages?

- E. Said R. Joseph, “So people should not say that Torah comes through inheritance.”
- F. R. Sheshet son of R. Idi says, “So they should not lord it over the community.”
- G. Mar Zutra says, “Because they act high-handedly toward the community.”
- H. R. Ashi says, “Because they call people asses.”
- I. Rabina says, “Because they don’t recite a blessing first, prior to reading the Torah.”
- J. For said R. Judah said Rab, “What is the meaning of this verse: ‘Who is the wise man, who may understand this? And who is he to whom the mouth of the Lord has spoken, that he may declare why the land perishes’ (Jer. 9:11)?
- K. “This matter did the sages say, but they could not explain it. Prophets said it but could not explain it. Finally the Holy One, himself, explained it on his own: ‘And the Lord said, Because they have forsaken my Torah, which I have put before them’ (Jer. 9:12).”
- L. Said R. Judah said Rab, “It is because they did not recite a blessing over the Torah prior [to reading it].”

II.6

- A. *Issi bar Judah didn’t come to the session of R. Yosé for three successive days. Vardimos b. R. Yosé found him. He said to him, “How come the master has not come to father’s house of study for these three days?”*
- B. *He said to him, “Because I don’t know the operative principles for your father’s rulings, so how should I come?”*
- C. *He said to him, “Let the master tell me what he said to you, maybe I’ll know the operative consideration behind what he said.”*
- D. *He said to him, “Here is an example, as has been taught as a Tannaite statement: **R. Yosé says, ‘Doing their own laundry takes precedence over saving the lives of outsiders.’** What verse of Scripture can possibly sustain such a position as this!?”*
- E. *He said to him, “‘And the suburbs of them shall be for their cattle and for their goods and for all their living things’ (Num. 35: 3). Now what is the meaning of ‘all their living things’? Should I say it refers to beasts? But aren’t beasts covered by a reference to cattle? But if the*

sense of their living things is their lives, that's pretty obvious. So it must refer to their laundry, since not doing one's laundry causes the anguish of scabies."

III.1 A. Said R. Yosé, "These are not vows which inflict self-punishment":

- B. *The question was raised:* In R. Yosé's opinion, what is the law on his nullifying vows on grounds that they involve the relationship between him and her?
- C. *Come and take note:* **Said R. Yosé, "These are not vows which inflict self-punishment."** But they are matters that affect the relationship between him and her.
- D. *But maybe he makes his statement within their premises, thus: so far as I am concerned, these aren't even matters that affect their mutual relationship, but so far as you are concerned, holding as you do that they are vows of self-punishment, you should concede to me that these are not vows of self-punishment.*
- E. *So what's the upshot?*
- F. R. Huna said, "The husband may annul such vows."
- G. R. Ada bar Ahbah said, "The husband may not annul such vows, **[81B]** for we don't find a case in which a fox dies because of the dirt in his lair" [people get used to things]."

III.2 A. It has been taught on Tannaite authority in accord with the position of R. Ada bar Ahbah:

B. As to matters in which there is an infliction of self-punishment, whether it involves the relations between him and her or between her and third parties he has the power to annul. As to those in which there is no infliction of self-punishment, those that affect the relations between him and her, he may nullify; those that affect relationships between him and third parties, he may not nullify.

C. How so?

D. If she said, "Qonam be produce for me," lo, this one he nullifies.

E. "Qonam if I work for father," "for your father," "for my brother," "that I won't feed your cattle," "that I won't give water to your heart" – he may not nullify that vow.

F. "...that I won't put on eye shadow," "...that I won't put on rouge," "...that I won't adorn myself," "...that I won't have sexual relations with you" – such vows he may nullify as matters that are between him and her:

G. "...that I won't make your bed," "...that I won't mix your cup of wine," "...that I won't wash your face and hands and feet" – these he does not have to nullify [since they are null to begin with].

H. Rabban Gamaliel says, "He should nullify these vows, since it is said, 'He shall not break his word' (Num. 30: 3)" [T. **Ned. 7:1A-P**].

I. Another matter: "He shall not break his word" – on this basis we learn that a sage may not release his own vows.

J. *Now what authority do we know who takes the view that vows such as "...that I won't put on eye shadow," "...that I won't put on rouge," fall into the category of matters that affect their relationship? It is R. Yosé, and yet it is stated that he can nullify them in the category of matters that affect their mutual relationship.*

III.3 A. The master has stated, "...that I won't have sexual relations with you' – such vows he may nullify as matters that are between him and her":

B. *What sort of situation is imaginable? If I should say that she said, "The pleasure of sexual relations with me is forbidden to you," why should he have to nullify such an oath? Lo, she is obligated to him. Rather, she says, "The pleasure of sexual relations with you is forbidden to me."*

C. *And this would be in accord with R. Kahana, for said R. Kahana, "'The pleasure of sexual relations with me is forbidden to you' – he forcibly rapes her. '...the pleasure of sexual relations is forbidden to me' – he must nullify the vow, for what is forbidden to someone is not to be fed to that person."*

D. *And who is the Tannaite authority at hand behind that which has been taught as a Tannaite statement: As to things that are permitted but are treated by others as forbidden, you may not treat them as permitted so as to nullify them?*

E. *Who taught it? It is Rabban Gamaliel, for it has been taught on Tannaite authority: Rabban Gamaliel says, "He*

should nullify these vows, since it is said, ‘He shall not break his word’ (Num. 30: 3).” [T. Ned. 7:1P]. Another matter: “He shall not break his word” – on this basis we learn that a sage may not release his own vows.

- III.4** A. *Raba asked R. Nahman, “From the perspective of rabbis is a vow concerning sexual relations one that entails self-punishment or is this a matter that affects the relationship between him and her?”*
- B. He said to him, “You have learned as a Tannaite statement: ‘...**I am removed from [having sexual relations with] all the Jews**’ – [82A] **let him annul his share [in the vow], so that she may have sexual relations with him, but let her be removed from all the other Jews** [M. 11:12]. Now, if you maintain that it is one that entails self-punishment, why should she be removed from all the other Jews? That proves that it is a matter that affects the relationship between him and her.”
- C. *But the question was raised within the position of rabbis, while the language, ...**I am removed from [having sexual relations with] all the Jews**, stands for the position only of R. Yosé. For said R. Huna, “The entire chapter represents the view of R. Yosé. How so? Since the Tannaite statement maintains, Said R. Yosé, “**These are not vows which inflict self-punishment,**” why then say, “**But if he derived his provisions from that particular store alone, lo, this one may annul the vow**” the words of R. Yosé? It follows that, from that point onward, the chapter represents the position of R. Yosé.*
- III.5** A. Said Samuel in the name of Levi, “All vows a husband nullifies for his wife, except for the one, ‘Pleasure deriving from me is forbidden to Mr. So-and-so,’ which he may not nullify. But if she said, ‘The pleasure of So-and-so is forbidden from me,’ he nullifies that vow.”
- IV.1** A. *We have learned in the Mishnah: “[If she said, ‘**Qonam be to me the produce of this province,**’ let him bring her produce from another province.”*
- B. *Said R. Joseph, “It means that she took the vow, **Qonam be to me the produce of this province** that you may bring.”*
- C. *Come and take note: “If she said, ‘**Qonam be the produce of this stall for me,**’ he cannot annul that vow.*

- D. *Here, too, the meaning is, **Qonam be the produce of this stall for me** that you may bring.*
- E. **But if he derived his provisions from that particular store alone, lo, this one may annul the vow:** *But if you hold that what she said was, **Qonam be the produce of this stall for me** that you may bring, why can he nullify that vow? [Someone else can get her what she needs.] Rather, since the concluding clause means that the vow covers even produce not brought by the husband, the opening clause likewise must refer to even produce that she herself brings.*
- F. *Rather, in the first clause, he cannot nullify the vow, though her vow prohibits even what she herself brings. [82B] And our Mishnah represents the position of R. Yosé. For said R. Huna, “The entire chapter stands for the position of R. Yosé.” And what is the meaning of **he cannot annul that vow**? He cannot annul it on the count of self-punishment, but he most certainly can nullify the vow under the category of one that affects the relationship between him and her.*

- IV.2** A. Said R. Judah said Samuel, “If the wife took an oath not to eat two loaves of bread, [one made of fine flour, the other of coarse flour], abstaining from one is self-denial, and abstention from the other is not self-denial – since the husband can nullify the vow in regard to the loaf of bread that represents self-punishment, he also may nullify the oath in respect to the other loaf of bread.”
- B. And R. Assi said R. Yohanan [said], “He may nullify only the vow that pertains to self-punishment, but not the vow that pertains to the other loaf.”
- C. *There are those who say: R. Assi asked R. Yohanan, “If the wife took an oath not to eat two loaves of bread, [one made of fine flour, the other of coarse flour], abstaining from one is self-denial, and abstention from the other is not self-denial – what is the law?”*
- D. He said to him, “He may nullify only the vow that pertains to self-punishment, but not the vow that pertains to the other loaf.”
- E. *An objection was raised: **A woman who took a vow as a Nazir but nonetheless went around drinking wine and contracting corpse uncleanness [83A] – lo, this one receives forty stripes. [If] her husband annulled the vow for her, but she did not know that her husband had annulled it for her and nonetheless continued to go around drinking wine and contracting corpse uncleanness, she does not receive forty stripes [M. Naz. 4:3A-D].** Now, if you take the position, “He may nullify only the vow*

that pertains to self-punishment, but not the vow that pertains to the other loaf,” *maybe as to the vow not to drink wine, which involves anguish for her, he has nullified the vow for her, but as to the vow not to eat grape pits or husks, in which instance there is no anguish for her, he has not nullified the vow, on which account, let her get the forty stripes!*

- F. Said R. Joseph, “There is no Nazirite vow that is cut into pieces.”
- G. *Said to him Abbaye, “But does that imply that there is a sacrifice for a partial Nazirite vow?”*
- H. Rather, said Abbaye, “There is neither a Nazirite vow that is cut into pieces, nor is there a sacrifice for a partial Nazirite vow.”
- I. *An objection was raised: A woman who took a vow to be a Nazir and set aside her beast [for the required sacrifice], but afterward her husband annulled her vow for her – presents a sin-offering made of a bird but does not present a burnt-offering of a bird. Now, if you maintain, “there is no sacrifice for a partial Nazirite vow,” why should she bring a sin-offering of a bird?*
- J. *So what’s the point? Is there then an offering for a partial Nazirite vow? Then she should bring three beasts, a sin-offering, a burnt-offering, and a peace-offering. Rather, in point of fact, there is no sacrifice on account of a partial Nazirite vow, while, as to the sin-offering of a bird that she is owing, it is because she would have to present such an offering even if she were subject to doubt.*
- K. *An objection was raised: A woman who took the vow of a Nazirite and contracted corpse uncleanness, and then her husband nullified her vow, has nonetheless to bring a sin-offering of a bird, but not the burnt-offering of a bird. Now, if you take the position, “He may nullify only the vow that pertains to self-punishment, but not the vow that pertains to the other loaf,” [83B] maybe as to the vow not to drink wine, which involves anguish for her, he has nullified the vow for her, but as to the vow not to contract corpse uncleanness, in which there is no anguish for her, he did not nullify the vow!*
- L. *Say: There also is anguish involved in not contracting corpse uncleanness, for it is written, “...and the living will lay it to his heart” (Qoh. 7: 2), on which it has been taught on Tannaite authority: R. Meir would say, “What is the meaning of ‘...and the living will lay it to his heart’ (Qoh. 7: 2)? 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.”*

11:3

- A. [If she said,] “Qonam if I derive benefit from anybody,” he has not got the power to annul that vow.
- B. And she may derive benefit from Gleanings, the Forgotten Sheaf, and the Corner of the Field (Lev. 19:9, Deu. 24:19).
- C. [If she said,] “Qonam be the benefit priests and Levites derive from me,” they collect their dues by force.
- D. [If she said,] “Qonam be the benefit these [particular] priests and Levites derive from me,” others collect [the priestly dues from her].

- I.1**
- A. *It follows that she derives her support from what belongs to the husband [otherwise this would be a vow of self-punishment, which he nullifies], and it is to be inferred furthermore that for the purposes of this vow the husband is not classified as “anybody.”*
 - B. *Yeah, well look at what’s coming: And she may derive benefit from Gleanings, the Forgotten Sheaf, and the Corner of the Field – so it follows that she may not derive her support from what belongs to the husband, so it is to be inferred that for the purposes of this vow the husband is classified as “anybody.”*
 - C. Said Ulla, “In point of fact, the husband is not classified for the purposes of this vow as ‘anybody,’ and, furthermore, he cannot nullify the vow, because she can derive support from Gleanings, the Forgotten Sheaf, and the Corner of the Field.”
 - D. Raba said, “In point of fact the husband is classified for the purposes of this vow as ‘anybody,’ and the formulation of the passage is meant to say, ‘and what’s the reason,’ that is to say: Why **has he not got the power to annul that vow?** Because **she may derive benefit from Gleanings, the Forgotten Sheaf, and the Corner of the Field.**”
 - E. R. Nahman said, “In point of fact, the husband is not classified for the purposes of this vow as ‘anybody,’ and this is the sense of the statement: If she was divorced, then **she may derive benefit from Gleanings, the Forgotten Sheaf, and the Corner of the Field.**”
 - F. **[84A]** *An objection was raised by Raba to R. Nahman, “So is it the fact that the husband is not classified for the purposes of this vow as ‘anybody’? And have we not learned in the Mishnah: [She who says], “I am removed from all the Jews,” let him annul his share [in the vow], so that she may have*

sexual relations with him, but let her be removed from all the other Jews [M. 11:12]? Now if you take the position that the husband is not classified for the purposes of this vow as ‘anybody,’ this would then represent a vow of self-punishment, and he should nullify it!”

- G. *I shall say to you, “This case is different, because the matter is self-evident that she is forbidding to herself what is ordinarily permitted”* [inclusive of the husband, there being no likelihood that she was talking about the case after divorce; but normally the term would not include her husband (Freedman)].

II.1 A. **But she may derive benefit from Gleanings, the Forgotten Sheaf, and the Corner of the Field (Lev. 19:9, Deu. 24:19):**

- B. *But the Tannaite formulation does not include reference to tithe given to the poor! But has it not been taught on Tannaite authority: she may derive benefit from the tithe given to the poor?*
- C. *Said R. Joseph, “No problem, – the one represents the theory of R. Eliezer, the other, rabbis, for we have learned in the Mishnah: R. Eliezer says, ‘A man need not designate poor man’s tithe from demai produce.’ [84B] And sages say, ‘He designates [poor man’s tithe] but he need not separate it’ [M. Dem. 4:3]. Now the one who holds that a matter of doubt classifies the whole as produce that is subject to tithe from which no tithe has been removed, and also maintains that the owner enjoys the advantage of the good will accruing to this produce when he gives it away, and, since that is the case, he may not afford a benefit to her. The one who takes the view that it is not necessary to designate the produce in this classification maintains that a matter of doubt concerning tithe for the poor that has not been designated does not classify the whole as produce that is subject to tithe from which no tithe has been removed; and in any such case the farmer does not enjoy the advantage of the good will involved in giving away the crop; therefore she may derive benefit from the poor person’s tithe.”*
- D. *Said to him Abbaye, “All parties concur that the certain presence of tithe for the poor that has not been designated classifies the whole as produce that is subject to tithe from which no tithe has been removed, but what is at stake here between R. Eliezer and rabbis? R. Eliezer takes the position that ordinary folk [who are not meticulous in every detail of tithing] are not assumed to keep back the tithe owing to the poor that derives from doubtfully tithed produce, since, if the farmer were to abandon title to his property and become a poor man, he can take the tithe himself, so he suffers no loss. And rabbis maintain*

that no one is going to abandon title to his property, out of fear that someone else may come and grab it; therefore ordinary folk are suspect in this regard."

- E. Raba says, "Here we deal with poor person's tithe that is divided inside the household, *in which regard 'giving' is written: 'and you shall give it to the Levite, the stranger' (Deu. 26:12), on account of which one who vows not to benefit from humanity may not derive benefit from it. In the cited Tannaite statement, by contrast, the reference is made to poor person's tithe that is divided at the threshing floor: 'and you shall leave it at your gates' (Deu. 14:28), on which account it is permitted for her to derive benefit therefrom."*

III.1 A. [If she said], "Qonam be the benefit priests and Levites derive from me," they collect their dues by force:

- B. *Therefore it follows that the good will accruing for the gift of priestly donations to the priesthood is regarded as having no monetary value.*
- C. *So look at what's coming: [If she said,] "Qonam be the benefit these [particular] priests and Levites derive from me," others collect [the priestly dues from her]. Therefore it follows that the good will accruing for the gift of priestly donations to the priesthood is regarded as having monetary value.*
- D. *Said R. Hoshai, "No problem, the one represents the view of Rabbi, the other, R. Yosé b. R. Judah, as has been taught on Tannaite authority: **He who steals the produce of his fellow that is subject to tithing but not yet tithed and eats it must pay him the value of produce that is in that same classification,**" the words of Rabbi. R. Yosé b. R. Judah says, "**He pays him only for the value of the unconsecrated sector of that produce**" [cf. T. **M.S. 3:11A-B**]. Isn't this what is at issue? **[85A]** Rabbi takes the view that the good will accruing for the gift of priestly donations to the priesthood is regarded as having monetary value, while R. Yosé b. R. Judah maintains that the good will accruing for the gift of priestly donations to the priesthood is regarded as having no monetary value?" [Freedman: Hence the first clause of the Mishnah agrees with Yosé, the second with Rabbi.]*
- E. *No, all parties concur that the good will accruing for the gift of priestly donations to the priesthood is regarded as having no monetary value. But here what is at issue is the status of the priestly gifts that have not yet been raised up. [Freedman: Rabbi regards the whole as unconsecrated, the other maintains*

that since the gifts have to be separated eventually, they are regarded as though already removed from the whole, and therefore he must pay only for the unconsecrated portion of the whole.]

- F. *Well, if it is the fact that the good will accruing for the gift of priestly donations to the priesthood is regarded as having no monetary value, then what difference does it make to me whether the priestly gifts have been raised up or not?*
- G. *Rather, this is the operative consideration behind the position of Rabbi: The rabbis have imposed an extrajudicial penalty on the thief so that he won't steal, and R. Yosé b. R. Judah maintains that rabbis have imposed an extrajudicial fine on the householder so that he won't hold back the priestly gifts that are owing on his crop that is liable to the donation of those gifts.*
- H. *Raba said, "Priestly rations are exceptional, and this is the reason: They may seize that portion of the crop from him willy-nilly, for priestly rations are suitable only for priests, and since he went and forbade it to him, he has turned it into dirt." [Freedman: It is entirely valueless as far as he is concerned, so the priests can grab it.]*

11:4

- A. [If she said,] "Qonam if I work for father," or "For your father," or "...For your brother," he cannot annul that vow.
- B. [If she said, "Qonam if I work for you," he need not annul [that vow, which is null to begin with].
- C. R. Aqiba says, "Let him annul it,
- D. "lest she place a burden upon him more than is appropriate for him."
- E. R. Yohanan b. Nuri says, "Let him annul it, lest he divorce her, and she be prohibited from returning to him."

I.1 A. Said Samuel, "The decided law is in accord with the position of R. Yohanan b. Nuri."

B. *Is that to imply that Samuel takes the view: A person may sanctify something that is not yet in existence? And by way of objection: He who sanctifies to the Temple the fruits of his wife's labor [her wages], [85B] lo, this woman [continues to] work and eat [maintain herself]. And as to the excess – R. Meir says, "It is consecrated." R. Yohanan Hassandlar says, "It is unconsecrated" [M. Ket. 5:4]. And said Samuel, "The decided law accords with the*

position of R. Yohanan Hassandlar,” *which proves that [in his view here,] a person may not sanctify something that is not yet in existence. And, moreover, should you say that, when he said, “The decided law accords with the position of R. Yohanan Hassandlar,” it was only with reference to the excess [but not other wages that she would receive in the future], then he should have said, “The decided law in respect to the excess accords with the position of R. Yohanan Hassandlar,” or, otherwise, “The decided law accords with the position of the initial, anonymous authority,” or, otherwise, “The decided law accords with R. Aqiba.”*

C. *Rather, said R. Joseph, “The case of Qonam vows is exceptional, since someone thereby prohibits himself from enjoying his neighbor’s produce, so he can also prohibit himself from deriving benefit from what is not then in existence.”*

D. *Said to him Abbaye, “Well, there is no problem understanding that a person may prohibit his own deriving benefit from the produce of another party, for lo, a person may prohibit another party from deriving benefit from his own produce. But can he also forbid another party’s deriving benefit from what does not then exist, since in any event he cannot prohibit another party from deriving benefit from that other party’s own produce?”* [Freedman: The analogy is thus defective, since in both cases cited by Joseph, the one who takes the vow controls one element of the vow, namely, the person himself; but as to a woman who prohibits her earnings to her husband, neither her husband nor her future earnings are subject to her control at the moment at which she takes the vow.]

E. *Rather, said R. Huna b. R. Joshua, “It is a case in which she says, ‘Let the work of my hands be sanctified in respect to what they will produce.’ In this case, the vow is valid even after she is divorced, since her hands are already in being.”*

F. *But if she made such a statement, are the hands consecrated? Surely the hands are subject to the husband’s lien!*

G. *It is a case in which she said, “When he divorces me....”*

H. *But now, in any event, she has not been divorced, so how do you know that such a statement, if she made it, would prove effective anyhow?*

I. **[86A]** *Said R. Ilaa, “[So why not?] If someone said to his fellow, ‘Lo, this field that I am selling to you, when I buy it back from you, will be consecrated,’ is it not consecrated [from that later point]?”*

J. *Objected R. Jeremiah, “But are the cases really comparable? In that case, the man has the power to consecrate the field, but in this case, the woman has not got the power to secure her own divorce! So the cases are hardly parallel. Rather, the point of comparability is to a case in which one says to his fellow, ‘This field that I have sold to you, when I shall buy it back from you, will be consecrated,’ in which case the field is certainly not consecrated.”*

K. *Objected R. Pappa, “But are the cases comparable? There [in the case of the field that has been sold], both the field and the produce belong to the buyer, but here, the wife’s person remains in her own domain. Rather, the point of comparability is to a case in which one says to his fellow, ‘This field that I have mortgaged to you, when I shall redeem it from you, will be sanctified,’ in which case the field is certainly consecrated.”*

L. *Objected R. Shisha b. R. Idi, “But are the cases properly compared? In that case, the man has the power to redeem the field, but in this case, does the woman have the power to arrange her own divorce? Rather, the point of comparability is to a case in which one who says to his fellow, ‘This field that I have mortgaged to you for ten years, when I shall redeem it from you, will be consecrated,’ in which case it is consecrated.”*

M. *Objected R. Ashi, “But are the cases properly compared? In that case, the man has the power to redeem the field after ten years, but in this case, the woman will never have the power to arrange her own divorce.”*

N. **[86B]** *Rather, said R. Ashi, “Oaths that use the language, qonam are exceptional, for they effect the sanctification of the body itself. And it is in accord with Raba, for said Raba, ‘Sanctification of cattle [mortgaged for a liability] or of leaven and the freeing of a slave remove these things from subjection to the mortgage that may have previously pertained to them.”* [Slotki, *Ketubot* 59A: similarly here, the consecration cancels the husband’s claim on the body or work of his wife; hence the validity of her consecration.]

O. *But then why say, lest he divorce her, and she be prohibited from returning to him?*

P. *Repeat the passage as, moreover, lest he divorce her, and she be prohibited from returning to him."*

11:5

- A. [If] his wife took a vow and he thought that his daughter had taken a vow,
- B. [if] his daughter took a vow and he thought that his wife had taken a vow,
- C. [if] she vowed a Nazirite vow and he thought she had vowed by Qorban,
- D. [if she vowed by] Qorban, and he thought that she had vowed a Nazirite vow,
- E. [if] she vowed not to eat figs, and he thought she had vowed not to eat grapes,
- F. [if] she vowed not to eat grapes and he thought she had vowed not to eat figs –
- G. lo, this one should go back and annul [the vow again].

- I.1** A. *Shall we then conclude that the language, “if her husband disallow her” (Num. 30: 9) then imposes a precise requirement as to detail? [87A] And lo, with respect to tearing the clothing in mourning for the dead, in which instance we find the language, for...for..., in the verse, “Then David took hold on his clothes and tore them...for Saul and for Jonathan his son” (2Sa. 1:11-12), and yet it has been taught on Tannaite authority: If they told someone that his father had died and he tore his clothes, and afterward it turned out that it was his son, he has nonetheless carried out his obligation to tear his clothes!*
- B. *Say: No problem! The one speaks of a case in which the action is not accompanied by an explicit statement of its purpose, the other to an action that is spelled out as to its purpose. That is in line with what has been taught on Tannaite authority: If they told someone that his father had died and he tore his clothes, and afterward it turned out that it was his son, he has not carried out his obligation to tear his clothes. If they told someone that he had suffered a bereavement, and he supposed it was his father and tore his clothes, but it later on turned out to have been his son, he has indeed carried out his obligation to tear his clothes.*

- C. R. Ashi said, “The one rule speaks of a case in which the action took place within the period in which the act of speech took place, the other, after the act of speech has been concluded. *Thus, as to your statement*, he has indeed carried out his obligation to tear his clothes, that deals with a case in which it turned out that it was his son, but only while the act of speech was still in play. *And as to your statement*, he has not carried out his obligation to tear his clothes, that deals with a case in which it turned out that it was his son, but only after the act of speech was concluded. *And so it has been taught on Tannaite authority*: He who has someone sick in his household, and the sick person fell into a coma and looked dead, and who tore his clothes on that account, and afterward the person actually died – he has not carried out his obligation to tear his clothes. Said R. Simeon b. Pazzi said R. Joshua b. Levi in the name of Bar Qappara, ‘That rule applies only if the person actually died after the act of speech had come to an end, but if it was while the act of speech was still in play, he does not have to tear his clothes again.’”
- D. *And the decided law is this*: If it was within the time in which the act of speech was under way, it is as though it took place at the same time as the act of speech, except in the cases involving blasphemy, idolatry, betrothal, or divorce.

11:6

- A. **[If] she said, “Qonam be these figs and grapes if I taste [them],”**
 B. **[if] he confirmed the vow concerning figs, the whole is deemed confirmed.**
 C. **[If] he annulled the vow concerning figs, it is not deemed annulled until he annuls the vow concerning grapes too.**
 D. **[If] she said, “Qonam be figs if I taste them, and grapes if I taste them,” lo, these are deemed two distinct vows.**

I.1

- A. *Who is the authority behind this unattributed Mishnah paragraph of ours?*
 B. *It is R. Ishmael, for it has been taught on Tannaite authority:*
 C. “Her husband may confirm it or her husband may make it void” (Num. 30:14) – **[If] she said, “Qonam be these figs and grapes if I taste [them],” [if] he confirmed the vow concerning figs, the whole is deemed confirmed. [87B] [If] he annulled the vow concerning figs, it is not deemed annulled until he annuls the vow concerning grapes too,**” the words of R. Ishmael.
 D. R. Aqiba says, “Lo, it says, ‘Her husband may confirm it or her husband may make it void’: just as he may confirm only part of the vow, so he may nullify only part of the vow.”

- E. And R. Ishmael?
- F. *Is it written*, “He shall nullify part of it”?
- G. And R. Aqiba?
- H. The formulation of the verse establishes a verbal analogy between releasing the vow and confirming it: Just as in the case of confirmation, he may confirm only part of it, so if he nullifies the vow, he may nullify only part of it.
- I. Said R. Hiyya bar Abba said R. Yohanan, “These represent the positions of R. Ishmael and R. Aqiba, but sages say, ‘There is a verbal analogy between confirming the vow and nullifying it; **just as in the case of nullification, what he has nullified, he has nullified, so in the case of confirmation, what he has confirmed he has confirmed**’ [cf. T. **Ned. 7:4Q-R**].”

- II.1** A. [If] she said, “Qonam be figs if I taste them, and grapes if I taste them,” lo, these are deemed two distinct vows:
- B. *Said Raba*, “Our Mishnah represents the position of R. Simeon, who has said, ‘It is valid only if he says, “I swear,” in regard to each and every item.’”

11:7

- A. [If he said,] “I was aware that there are vows, but I was not aware that there is the possibility of annulling them,” he may annul [the vow].
- B. [If he said], “I was aware that there is the possibility of annulling vows, but I was not aware that this particular statement was a vow,”
- C. R. Meir says, “He may not annul the vow.”
- D. And sages say, “He may annul the vow.”

- I.1** A. *By way of contradiction*: “But if he thrust him suddenly...not seeing him...and the congregation of judges shall judge...and restore him to the city of refuge” (Num. 35:22-25):
- B. “‘...not seeing him’ excludes a blind person from the law,” the words of R. Judah.
- C. R. Meir says, “‘...not seeing him’ includes the blind person.”
 - D. **[88A]** *Said Raba*, “Each instance has to be read in the context of the pertinent verse of Scripture. R. Judah takes the view, ‘With reference to the murder it is written, “as when a man goes into a wood with his neighbor,” thus speaking of someone who can go into a wood, and a blind person, too, can go into a wood. And if you say that the language, not seeing him serves to encompass the blind person, that

would fall under the category of ‘a wood.’ So ‘not seeing him’ must encompass the blind person.”

E. “R. Meir, by contrast, maintains, ‘It is written, not knowing, thus encompassing anybody who can know what’s going on, but a blind person cannot know. And should you say that the language, not seeing him, serves to exclude the blind person, in fact the blind person is excluded by the language, without knowing. So the language, not seeing him, must mean that the blind person is included.’”

11:8

- A. **He who was prohibited by vow from imparting any benefit to his son-in-law but who wants to give his daughter some money says to her, “Lo, this money is given to you as a gift, on condition that your husband has no right to it, but you dispose of it for your own personal use.”**

- I.1** A. Said Rab, “This Tannaite rule pertains only to a case in which he said to her, **but you dispose of it for your own personal use.** But if he said, ‘Whatever you want, do with it,’ – the husband acquires title to the money.”
- B. And Samuel says, “Even if he said, ‘Whatever you want, do with it,’ – the husband does not acquire title to the money.”
- C. *Objected R. Zira, [88B] “In accord with which of the two authorities is this ruling given by Rab? It accords with the theory of R. Meir, who has said, ‘The hand of a woman is equivalent to the hand of her husband’ [so that whatever she acquires, he automatically acquires]. But by way of contradiction: How do they make a partnership [a shittuf] in an alleyway? One [of the residents] sets down a jar [of food or drink] and states, “Lo, this belongs to all the residents of the alleyway.” And thus he effects possession for them through his adult son or daughter, his Hebrew slave boy or slave girl, or his wife. But he does not effect possession in their behalf by means of his minor son or daughter, or by means of his Canaanite slave boy or slave girl, because their hand is as his hand [M. Erub. 7:6]. Now if you maintain that the husband acquires title to the money, then in the case of the erub meal, the object has not in fact left the husband’s domain [when the wife takes title to it]!”*
- D. Said Raba, “Even though R. Meir has said, ‘The hand of a woman is equivalent to the hand of her husband,’ he concurs in the case of the partnership effected here, since his purpose is to assign title to others, so the woman in this instance can acquire title from the husband.”

E. *Objected Rabina to R. Ashi, “These are the ones who can acquire it in behalf of the other members of the alleyway: his adult son or daughter, his Hebrew slave boy or slave girl. These are the ones who cannot acquire it in behalf of the other members of the alleyway: his minor son or daughter, or by means of his Canaanite slave boy or slave girl, and his wife.”*

F. *Rather, said R. Ashi, “Our Mishnah paragraph pertains to a case in which she has a courtyard in that alleyway, so that she can acquire a portion of ownership in the erub meal in her own behalf, and on that account, she also can acquire title to it in behalf of third parties.”*

11:9

- A. **“But the vow of a widow or a divorcée shall stand against her” (Num. 30: 9):**
- B. **How so?**
- C. **[If] she said, “Lo, I shall be a Nazir after thirty days,”**
- D. **even though she was married during the thirty days, he [whom she married] has not got the power to annul her vow.**
- E. **[89A] [If] she took a vow and she was in the domain of the husband, he annuls the vow for her.**
- F. **How so?**
- G. **[If] she said, “Lo, I shall be a Nazir after thirty days,”**
- H. **[if] the husband abrogated [the vow], even though she was widowed or divorced within thirty days, lo, this [vow] is annulled.**
- I. **[If] she took a vow on that very day and was divorced on the same day and remarried to the same man on the same day, he cannot annul the vow.**
- J. **This is the general principle: [In the case of] any woman who has gone forth into her own domain for a single moment [M. 10:3C] – he has not got the power to annul the vows.**

I.1

- A. *It has been taught on Tannaite authority:*
- B. **A widow or a divorcée who said, “Lo, I shall be a Nazirite when I am married,” and who then got married –**
- C. **R. Ishmael says, “He may annul such a vow.”**
- D. **R. Aqiba says, “He may not annul such a vow.”**

- E. A married woman who said, “Lo, I shall be a Nazirite when I am divorced,” and who was divorced –
- F. R. Ishmael says, “He may not annul such a vow.”
- G. R. Aqiba says, “He may annul such a vow.”
- H. Said R. Ishmael, “Behold it is said, ‘But any vow of a widow or of a divorcée, anything by which she has bound herself, shall stand against her’ (Num. 30: 9) – so long as it be a vow that takes place at the time at which she is a widow or a divorcée.”
- I. R. Aqiba takes the view, “Lo, Scripture says, ‘By which she has bound herself shall stand against her’ – so long as it be a prohibition binding at the moment at which she binds herself” [T. [Ned. 7:5A-H](#)].

I.2 A. *Said R. Hisda, “Our Mishnah paragraph is in accord with R. Aqiba.”*

B. *Abbaye said, “You may even maintain that it is in accord with R. Ishmael. In our Mishnah paragraph she has framed matters so as to depend upon the consideration of time, and the period may come to an end without her being divorced or married; but in the outside Tannaite version of the same, she has made the vow contingent upon her marriage.”*

- II.1** A. **This is the general principle:** [In the case of any woman who has gone forth into her own domain for a single moment – he has not got the power to annul the vows]:
- B. *This same language [This is the general principle] is included with regard to a betrothed maiden [If she took a vow while she was betrothed and was divorced on that very day and betrothed again on that same day and repeated the process, even a hundred times, her father and her last husband annul her vows. This is the general principle: In the case of any girl who has not gone forth to her own domain for a single moment, her father and her last husband annul her vows (M. 10: 3)] to encompass a case in which the father went along with the betrothing husband’s messengers, or the father’s messengers did the same. In that case, the vows of a betrothed maiden are nullified by her husband and her father jointly. The language, **This is the general principle**, which is inserted into the Tannaite rule in the chapter entitled, **And these are the vows that he annuls**, is meant to deal with a case in which the father gave the girl over into the hands of the agents of the husband, or the agents of the father gave her over into the agents of the*

husband, in which case the husband has not got the power to nullify vows that she had taken prior to that occasion.

11:10

- A. In the case of nine [sorts of] girls, their vows are valid [and not subject to abrogation]:
- B. a girl [who vowed when] past maturity who is an orphan [in her father's lifetime];
- C. [89B] a girl who [vowed as] a minor girl and then passed maturity and is an orphan [in her father's lifetime];
- D. a girl who [vowed] before she reached maturity and is an orphan [in her father's lifetime];
- E. a girl [who vowed] past maturity whose father died;
- F. a girl who [vowed as] a minor and then passed maturity whose father died;
- G. a girl who [vowed] before she reached maturity and whose father died;
- H. a girl whose father died, and [who vowed and] after the death of her father, she passed maturity;
- I. a girl [who vowed] past maturity whose father is alive;
- J. a girl who passed maturity [and then vowed] and whose father is alive.
- K. R. Judah says, "Also: He who marries off his minor daughter and she was widowed or divorced and came back home to him – she is still deemed a girl [subject to the abrogation of her vows by the father]."

- I.1** A. Said R. Judah said Rab, "These are the words of R. Judah. But sages say: 'The vows of three girls stand: a girl past puberty, an orphan, and an orphan in the lifetime of her father.'"

11:11

- A. [If she said,] "Qonam be any benefit I have of father..., " "Of your father..., if I do any work for you,"
- B. "...if I derive benefit from you, if I work for my father," "...if I work for your father,"
- C. lo, this one he annuls.

- I.1** A. *It has been taught on Tannaite authority:*
- B. "...that I shall not derive benefit from my father," or, "...your father, if I prepare anything for you" –

- C. **R. Nathan says, “He cannot nullify that vow.**
- D. **And sages say, “He can nullify that vow” [T. Ned. 7:7].**
- E. **“...I shall be removed from the Jews if I perform an act of service for you”**
—
- F. **R. Nathan says, “He cannot nullify that vow.**
- G. **And sages say, “He can nullify that vow” [T. Ned. 7:8].**

I.2 A. *Someone took a vow not to derive benefit from the world if he got married before he studied law. He ran up a ladder with a cord [that is, he tried very hard], but he did not succeed in repeating Tannaite statements properly. R. Aha b. R. Huna came along and made him err [Freedman: by making him believe that if he married, the vow would not be valid], and he got married. [90A] He covered him with clay [making it necessary for someone to wash his clothes for him] and brought him before R. Hisda.*

B. *Said Raba, “Who is so smart as to act in such a way if not R. Aha b. R. Huna, who is an eminent authority! He takes the view that, just as rabbis and R. Nathan disagree in the matter of nullifying a vow, so, too, they disagree in the matter of presenting a question leading to absolution of a vow after the fact.” [Freedman: Nathan maintains that since the vow is not yet operative, it cannot be annulled, while rabbis hold that he can annul it though as yet it is inoperative, so with reference to absolution, too: In Nathan’s view, one can be absolved from his vow only when it is in effect; for that reason he had the man marry first and did not have the vow annulled immediately.]*

C. *And R. Pappi said, “The dispute pertains to the matter of nullifying the vow alone. For R. Nathan maintains, the husband may nullify the vow only if the vow has taken effect, in line with the verse, ‘Then the moon shall be confounded’ (Isa. 24:23). And rabbis take the view, the husband may nullify the vow even though the vow has not yet taken effect, in line with the verse: ‘He makes void the intentions [not only the actions] of the crafty’ (Job. 5:12). But as to the matter of presenting a question to a sage yielding the absolution of the vow, all concur that a sage cannot release a vow unless the vow is already in effect: ‘He shall not break his word’ (Num. 30: 3).”*

D. *May we say that the following supports his view: “Qonam that I shall not derive benefit from Mr. So-and-so, or from*

anybody from whom I may gain absolution for him” – he gets absolution in respect to the first of the two statements, and then he gets absolution in regard to the second? *Now, if you take the position that one may address an appeal to a sage to absolve the vow even though the vow has not yet taken effect, then, if the man wants, he can appeal for absolution for this vow first, and if he wants, he can appeal for absolution from that vow first.*

E. *Yeah, so who knows which is first and which is second?*

F. *Rather, may we say that the following supports his view: “Qonam if I derive benefit from So-and-so, and lo, I shall be a Nazirite if I am absolved from that vow” – he must first gain absolution for the vow, and then for the Nazirite vow? Now, if you take the position that one may address an appeal to a sage to absolve the vow even though the vow has not yet taken effect, then, if the man wants, he can appeal for absolution for this vow first, and if he wants, he can appeal for absolution from that vow first.*

G. *The formulation accords with the position of R. Nathan [Abba b. R. Huna is right that the matter is subject to dispute, and the passage at hand accords with Nathan’s view].*

H. *Said Rabina, “Said to me Maremar, ‘This is what your father said in the name of R. Pappi: “The dispute concerns only the nullification of a vow, but as to seeking absolution from a vow, all parties concur that the sage may grant absolution even before the vow has taken effect: ‘he shall not break his word’ (Num. 30: 3).”’”*

I. **[90B]** *Does this bear the implication, then, that no act has taken place? [Freedman: The act was unnecessary]? Then, by way of objection: “Qonam that I shall not derive benefit from Mr. So-and-so, or from anybody from whom I may gain absolution for him” – he gets absolution in respect to the first of the two statements, and then he gets absolution in regard to the second? Now why should that be the case? If the man*

wants, he can appeal for absolution for this vow first, and if he wants, he can appeal for absolution from that vow first.

J. Yeah, so who knows which is first and which is second?

K. By way of objection: “Qonam if I derive benefit from So-and-so, and lo, I shall be a Nazirite if I am absolved from that vow” – he must first gain absolution for the vow, and then for the Nazirite vow? But why so? Rather, if the man wants, he can appeal for absolution for this vow first, and if he wants, he can appeal for absolution from that vow first.

L. That’s a valid objection.

11:12

- A. In times past they did rule: Three sorts of women go forth and collect their marriage contract:
- B. she who says, “I am unclean for you,”
- C. “Heaven [knows] what is between you and me [namely, your impotence],
- D. “I am removed from [having sexual relations with] all the Jews.”
- E. They reverted to rule:
- F. so that a woman should not covet someone else and spoil [her relationship with] her husband,
- G. but: she who says, “I am unclean for you,” must bring proof for her claim.
- H. [She who says], “Heaven [knows] what is between you and me” – let them find a way to appease her.
- I. [She who says], “I am removed from all the Jews,”
- J. let him annul his share [in the vow], so that she may have sexual relations with him, but let her be removed from all the other Jews.

- I.1** A. [...she who says, I am unclean for you:] *The question was raised:* If she said to her husband, “I am unclean for you,” what is the law as to her continuing to eat priestly rations [if the husband is a priest]?
- B. R. Sheshet said, “She may continue to eat priestly rations, so as not to ruin the reputation of her children.”

- C. Raba said, “She may not continue to eat priestly rations, *it is possible for her to eat unconsecrated food [and continue to be supported by him, so no one will have to suppose on the basis of appearances that the children are invalid].*”
- D. Said Raba, “But R. Sheshet concurs that if she was widowed, she does not then eat food in the status of priestly rations. *Then, is his reason any other than so as not to ruin the reputation of her children? But if she was widowed or divorced and stopped eating priestly rations on that account, people will say, ‘It is only now that she was seduced’ [and refraining from doing so has no affect on the standing of her children].*”

I.2 A. Said R. Pappa, “Raba examined us: The wife of a priest who was raped – does she have the right to receive her marriage settlement or does she not have the right to receive her marriage settlement? *Since a sexual relationship that is a rape so far as the priesthood is concerned, is tantamount to a seduction so far as the lower, Israelite caste is concerned, she does not have the right to receive her marriage settlement. Or perhaps she has the power to claim to him, ‘I myself am yet fit, [91A] it is the man whose field has been flooded’?* And we replied to him, ‘As a matter of fact, it is an explicit Mishnah teaching: **she who says, “I am unclean for you” ...has a right to a marriage settlement.** Now with what situation do we deal here? Should I say that it is an Israelite’s wife? Then, if the sexual relations were done willingly, has she any claim to a marriage contract? And if it was a rape, is she then forbidden to her husband? So it must speak of the wife of a priest, so if the sexual relations were done willingly, has she any claim to a marriage contract? Is she less than an Israelite’s wife who has done it willingly? So it must mean that the sexual relations were done by force, and it is clearly stated as the Tannaite rule: **...has a right to a marriage settlement.**”

- I.3** A. *The question was raised:* If she said to her husband, “You have divorced me,” what is the rule?
- B. Said R. Hamnuna, “Come and take note: **She who says, “I am unclean for you” ...has a right to a marriage settlement** – and even in the position of the later version of the Mishnah, which takes the view that she is not believed, still, it is only in that case in which she may lie, knowing that her husband does not know the facts of the matter; but with regard to a case in which she

said, 'You have divorced me,' in which instance he has to know the truth, she will be believed, for we take for granted that no woman would be so brazen in the presence of her husband."

- C. Said to him Raba, "To the contrary, even from the perspective of the original formulation of the Mishnah rule, which states that she is believed, there the consideration is that she would not expose herself to embarrassment; but in this case, it may be that she is a stronger personality than her husband so she would have the balls to make exactly such a statement even in his presence."
- D. Objected R. Mesharsheyya, "[If she said,] **“Heaven [knows] what is between you and me [namely, your impotence]** [she gets her marriage contract,] which refutes Raba. For here there is no question of shame for you, and yet it is stated that she is believed!"
- E. Raba takes the view in that case that, since she cannot avoid declaring whether the man's seminal emission is forceful or not, if it were not weak, just as she claimed, she would not make such a charge.
- F. Well, what about the later Mishnah formulation of the rule, **“She who says, “Heaven knows what is between you and me” – let them find a way to appease her?** Let this stand as a refutation of R. Hamnuna, for here is a case in which her husband knows the truth, and yet it is stated that she is not believed!
- G. R. Hamnuna has the theory that here, too, she would argue to herself, "Even though he knows that sexual relations have taken place, does he know that the seminal emission is forceful?" So she might be lying.

I.4 A. There was a woman who every day on which sexual relations had taken place the preceding night would get up and wash her husband's hands. One day she brought him water with which to wash. He said to her, "But nothing happened today?"

B. She said to him, "Then it must have been some gentile perfume salesman **[91B]** who was around here just now; if it wasn't you, then maybe it was one of them."

C. Said R. Nahman, "She had cast her eye on someone else, and her statement is mere babble."

I.5 A. There was a woman who didn't have good will for her husband. He said to her, "Why all of a sudden?"

B. *She said to him, "You never caused me so much pain in sexual relations as you did today."*

C. *He said to her, "But nothing happened today."*

D. *She said to him, "Then it must have been some gentile soap salesman who was around today; if it wasn't you, then maybe it was one of them."*

E. *Said R. Nahman, "Don't pay any attention to her. She had cast her eye on someone else."*

I.6

A. *There was someone who went alone in a room with a married woman. The man of the house came along, and the adulterer broke through a hedge and ran away.*

B. *Said Raba, "The wife is still permitted to her husband. If he had done something wrong, he would have hidden himself."*

I.7

A. *There was an adulterer who went in to a certain woman. The husband came along. The adulterer went and hid behind a curtain before the door. There was some cress lying there, and a snake came along and nibbled on it. The husband was about to eat of the cress, without his wife's knowledge. "Don't eat it," the adulterer shouted, "a snake bit into it."*

B. *Said Raba, "The wife is still permitted to her husband. If he had done something wrong, he would have been glad to see the husband eat the cress and die: 'for they have committed adultery and blood is in their hands' (Eze. 23:37)."*

C. *That's obvious.*

D. *Well, what might you otherwise have imagined? He had done a prohibited deed, and, as to the warning of the husband, it was because he doesn't want the husband to die, so that the wife may be to him in the relationship of "stolen waters are sweet, and bread eaten in secret is pleasant" (Pro. 9:17). So we are informed that that is not the operative consideration.*