

III.

BAVLI NEDARIM CHAPTER THREE

FOLIOS 20B-32B

3:1A-D

- A. Four [types of] vows did sages declare not binding: (1) Vows of incitement, (2) vows of exaggeration, (3) vows made in error, and (4) vows [broken] under constraint.
- B. Vows of incitement: How so?
- C. [If] one was selling something and said, “Qonam if I chop the price down for you to under a sela,” and the other says, “Qonam if I pay you more than a sheqel,”
- D. [21A] [then] both of them agree at three denars.

I.1

- A. Four [types of] vows did sages declare not binding: (1) Vows of incitement, (2) vows of exaggeration, (3) vows made in error, and (4) vows [broken] under constraint....[If] one was selling something and said, “Qonam if I chop the price down for you to under a sela,” and the other says, “Qonam if I pay you more than a sheqel,” [then] both of them agree at three denars:
- B. *Said R. Abba bar Mamal to R. Ammi, “You said to us in the name of R. Judah the Patriarch, ‘Who is the Tannaite authority behind the rule, Four [types of] vows did sages declare not binding: (1) Vows of incitement, (2) vows of exaggeration, (3) vows made in error, and (4) vows [broken] under constraint?’ It is R. Judah, who has said in the name of R. Tarfon, “None of*

them is a Nazirite, because vows on becoming a Nazirite must be set forth with certainty” [T. Naz. 3:19P].”

- C. *Raba said, “You may even say that the unnamed authority is rabbis. Is the language used, Both then agreed? Not at all, what it says is, both of them agree.”* [Freedman: Thus neither meant the vow seriously, but the conditional Nazirite vow really was meant seriously.]

I.2

- A. [With reference to the case, “Qonam if I chop the price down for you to under a sela,” and the other says, “Qonam if I pay you more than a sheqel,”] said Rabina to R. Ashi, “If the one demanded more than a sela and the other offered less than a sheqel, what is the status? Is it a valid vow or merely a matter of incitement?”
- B. *He said to him, “You have learned in the Mishnah: [If] one was nagging his friend to eat with him [and the other] said, “Qonam be your house if I enter it,” “if I drink a single drop of cold water of yours,” he is permitted to enter his house and to drink cold water of his. For this man intended [his vow] only with reference to eating and drinking [but not merely coming into the house or taking a glass of cold water] [M. Ned. 8:7M-N]. Now why should that be the case? After all, the language he used was, a single drop of cold water! But the point is, it is just how people say things emphatically, and, here, too, this is how people say things.”*
- C. *He said to him, [21B] “How are they comparable? In the case of cold water, ‘righteous people say little and do much’ [so the intent was a full meal, not just the terms used, and the one who took the vow had in mind a full meal]. But here, is it a matter of doubt whether the seller meant to say he would take less than a sela, and the buyer meant to say he would pay more than a sheqel; so we have a vow of incitement, or, perhaps, each meant what he said literally, so it is a valid vow?”*
- D. *Well, in that formulation, the question stands.*

I.3

- A. Said R. Judah said R. Assi, “The four classifications of vows at hand have to be released through the address of an inquiry to a sage. *When I made that statement before Samuel, he said, ‘the Tannaite authority repeats the statement in the language, Four [types of] vows did sages declare not binding, and yet you make the claim that the four classifications of vows at hand have to be released through the address of an inquiry to a sage?!’*”
- B. *R. Joseph repeated that tradition in this version: “Said R. Judah said R. Assi, ‘A sage has got the right to release only vows of the likes of these four*

classifications of vow.’ *He takes the view that a vow is not released merely by reference to regret.*”

- I.4** A. *Someone came before R. Huna. He said to him, “Is your heart still of the same disposition?”*
B. *He said to him, “No.”*
C. *And he released him.*

- I.5** A. *Someone came before Rabbah b. R. Huna. He said to him, “If there were ten men there to appease you at that moment, would you have taken the vow?”*
B. *He said to him, “No.”*
C. *And he released him.*

- I.6** A. *It has been taught on Tannaite authority:*
B. R. Judah says, “They say to the person, ‘Is your heart still of the same disposition? If he said, ‘no,’ they release him.”

- I.7** A. **R. Ishmael b. R. Yosé says in the name of his father, “They say to the person, ‘If there were ten men there to appease you at that moment, would you have taken the vow?’ If he said no, they release him” [T. 5:1Jff].**

- I.8** A. *Someone came before R. Assi. He said to him, “Are you sorry [that you took the vow]?”*
B. *He said to him, “Am I not?”*
C. *And he released him.*

- I.9** A. *Someone came before R. Eleazar. He said to him, “Do you want your vow?”*
B. *He said to him, “If I hadn’t been angered, I wouldn’t have wanted a thing.”*
C. *He said to him, “Let it be as you wish.”*

- I.10** A. *A woman who had imposed a vow on her daughter came before R. Yohanan. He said to her, “Had you know that your neighbors would say about your daughter, [22A] ‘If her mother hadn’t noticed something shameful in her, she would never have imposed a vow on her without some good reason,’ would you have taken a vow?”*
B. *She said to him, “No.”*

C. *And he released her.*

- I.11** A. *The grandson of R. Yannai the Elder came before R. Yannai the Elder. He said to him, "If you had known that your account book is open and your deeds are carefully examined, would you have taken a vow?"*
B. *He said to him, "No."*
C. *And he released him.*
D. *Said R. Abba, "What's the relevant verse of Scripture? 'After vows comes examination' (Pro. 20:25)."*

- I.12** A. *And even though R. Yannai found grounds for absolution in such a way, we for our part would not deem such grounds sufficient to absolve the vow. Nor do we propose as proper grounds sufficient to absolve a vow this other consideration, namely, the one that Rabbah bar bar Hanna said R. Yohanan said, "How did Rabban Gamaliel find grounds for absolution for a certain old man? It is in the following: 'There is one that speaks like the piercings of a sword, but the tongue of the wise is health' (Pro. 12:18). Whoever expresses a vow is worthy to be pierced by a sword, but the tongue of the wise, absolution, heals."*
B. *Nor do we propose as proper grounds sufficient to absolve a vow this other consideration, namely, that which has been taught on Tannaite authority: R. Nathan says, "He who takes a vow is as though he built a high place, and he who carries it out is as though he offered an offering on it."*
C. *As to the first part of the verse, we should find that grounds for absolution [Freedman: merely building a high place without sacrificing is not so heinous an offense], but as to the latter clause –*
D. *Abbaye said, "We release a vow on that account."*
E. *Raba said, "We do not release a vow on that account."*
F. *R. Kahana repeated this tradition in the language just now set forth. R. Tabyumi repeated it in the following language:*
G. *As to the second part of the verse, we should surely not find that grounds for absolution but as to the first part of the clause –*
H. *Abbaye said, "We release a vow on that account."*
I. *Raba said, "We do not release a vow on that account."*
J. *And the decided law is: We do not find grounds for absolution in neither the opening nor the closing clause of the cited verse.*

I.13 A. *Nor do we propose as proper grounds sufficient to absolve a vow this other consideration, namely, in what Samuel said, for said Samuel, “Even though one carries out his vow, he is called wicked.”*

B. *Said R. Abbahu, “What verse of Scripture makes that point? ‘But if you refrain from vowing, it shall be no sin in you’ (Deu. 23:23). And the sense of forbearance derives from use of the word elsewhere. Here it is written, ‘But if you shall forbear to vow,’ and elsewhere, ‘There the wicked forbear from insolence’ (Job. 3:17).”*

C. *Said R. Joseph, “So we, too, have learned a Tannaite statement to the same effect: [He who says,] “As the vows of the suitable folk” has said nothing whatsoever. [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. 1:1H, G].”*

Topical Composite on Losing One’s Temper, Deemed the Basis for Taking Vows

I.14 A. Said R. Samuel bar Nahman said R. Yohanan, “Whoever loses his temper – all the torments of Hell rule over him: ‘Therefore remove anger from your heart, thus will you put away evil from your flesh’ (Qoh. 11:10), and the meaning of ‘evil’ is only Hell: ‘The Lord has made all things for himself, yes, even the wicked for the day of evil’ (Pro. 16: 4). Moreover, he will get a belly ache: ‘But the Lord shall give you there a trembling heart and failing of eyes and sorrow of mind’ (Deu. 28:65). And what causes weak eyes and depression? Stomach aches.”

I.15 A. *Ulla went up to the Land of Israel, accompanied by two men from Khuzistan. One of them went and killed the other. He said to Ulla, “So didn’t I do the right thing?”*

B. *He said to him, “Yessirree! And now cut his throat right across.”*

C. *When he came before R. Yohanan, he said to him, “Maybe – God forbid – I have encouraged sinners?”*

D. *He said to him, “You saved your life.”*

E. *R. Yohanan expressed surprise: “It is written, ‘There the Lord will give them a temperamental heart’ (Deu. 28:65) – this speaks of Babylonia – so how could such a thing have happened in the Land of Israel, where people are patient with one another?”*

F. *Ulla said to him, "At that moment [22B] we had not yet crossed the Jordan."*

I.16 A. Said Rabbah bar R. Huna, "Whoever loses his temper – even the Presence of God is not important to him: 'The wicked, through the pride of his countenance, will not seek God; God is not in all his thoughts' (Psa. 10: 4)."

I.17 A. R. Jeremiah of Difti said, "[Whoever loses his temper] – he forgets what he has learned and increases foolishness: 'For anger rests in the heart of fools' (Qoh. 7: 9), and 'But the fool lays open his folly' (Pro. 13:16)."

B. R. Nahman bar Isaac said, "One may be sure that his sins outnumber his merits: 'And a furious man abounds in transgressions' (Pro. 29:22)."

I.18 A. Said R. Ada b. R. Hanina, "If the Israelites had not sinned, to them would have been given only the Five Books of the Torah and the book of Joshua alone, which involves the division of the Land of Israel. *How come?* 'For much wisdom proceeds from much anger' (Qoh. 1:18)." [Freedman: The anger of God caused him to send prophets with their wise teachings.]

Further Discussion of Grounds for Absolution

I.19 A. Said R. Assi, "Absolution for a vow taken in the name of the God of Israel is not given except in the case of one phrased as follows: 'Qonam [in the name of the God of Israel] be any benefit my wife has of me, because she stole my purse,' or 'beat my child,' and they later on found out she had done nothing of the kind."

I.20 A. *Someone came before R. Assi. He said to her, "What was the form of your vow?"*

B. *"...in the name of the God of Israel."*

C. *He said to her, "Well, if you had taken the oath 'by Mohi,' which is a euphemism in general, I could have gotten involved to help you, but now, that you took the oath not by 'Mohi,' but by the name of the God of Israel, there is nothing that I can do for you."*

I.21 A. *R. Kahana visited the household of R. Joseph. He said to him, "Will the master taste something?"*

B. *He said to him, "No, by the Master of all things, I shall not taste anything."*

C. *He said to him, "No, by the Master of all things, I won't give you something to taste."*

D. *Well, there is no problem understanding why R. Kahana said to him, “No, by the Master of all things, I shall not taste anything.” [This was to reenforce the vow.] But how come R. Joseph said to him, “No, by the Master of all things, I won’t give you something to taste”?*

E. *This is the sense of his statement: “Since you said, ‘No, by the Master of all things, I shall not taste anything,’ then: ‘No, by the Master of all things, I won’t give you something to taste.’”*

I.22 A. *Said Raba said R. Nahman, “The decided law is: (1) absolution is granted on the basis of the claim of regret; and (2) a vow ‘by the God of Israel’ is addressed by sages and absolved.”*

I.23 A. *Raba was singing the praises of R. Sehora to R. Nahman, saying that he is an eminent authority. [He said to him, “When he comes here, bring him to me.”*

B. *[Sehora] had a vow for absolution. He came before R. Nahman. He said to him, “Did you vow with this in mind?”*

C. *He said to him, “Yes.”*

D. *“With that in mind?”*

E. *“Yes.”*

F. *This happened a number of times. R. Nahman got mad. He said to him, “Go to your place.” R. Sehora went out, but then he found grounds on his own to absolve himself, namely: **Rabbi says, “What is the straight path which a person should choose for himself? Whatever is an ornament to the one who follows it, and an ornament in the view of others” [M. Abot 2:1A].** Now that R. Nahman has gotten mad at me, I can say, I never took a vow with this in mind.” That is how he found grounds on his own to absolve himself*

I.24 A. *R. Simeon b. Rabbi had a vow for absolution. He came before rabbis. They said to him, “Did you vow with this in mind?”*

B. *He said to him, “Yes.”*

C. *“With that in mind?”*

D. *“Yes.”*

E. *This happened a number of times. **[23A]** Rabbis were troubled from dawn to dusk and from dusk to dawn [trying to help him, but without success]. Said Botnit b. Abba Saul b. Botnit to him, “Did you take a vow having in mind the possibility that rabbis would be troubled*

from dawn to dusk and from dusk to dawn [trying to help you, but without success]?”

F. *He said, “No,” and they declared him released of his vow.*

I.25 A. *R. Ishmael b. R. Yose had a vow to be released. He came before rabbis. They said to him, “Did you vow with this in mind?”*

B. *He said to him, “Yes.”*

C. *“With that in mind?”*

D. *“Yes.”*

E. *This happened a number of times. When a certain laundryman saw that he was giving the rabbis trouble and hit him with his basket, he said, “Well, I didn’t vow to be hit by a laundryman,” and so he released his own vow.*

F. *Said R. Aha of Difti to Rabina, “Yes, but that represents something that took place later on, since it never entered his mind that a laundryman would hit him, and we have learned in the Mishnah: **They unloose a vow by reference to what happens unexpectedly [cf. M. 9:2]!**”*

G. *He said to him, “But this does not fall into the category of **what happens unexpectedly**, for it is common for unbelievers to torment rabbis.”*

I.26 A. *Abbaye’s wife had a daughter. He said, “She should marry one of my relatives.”*

B. *She said, “She should marry one of my relatives.”*

C. *He said to her, “All benefit from me will be forbidden to you by vow if you ignore my wish and marry her to one of your relatives.”*

D. *So she went, ignored his wishes, and married her off to one of her relatives.*

E. *Abbaye went before R. Joseph. He asked him, “If you had known that she would ignore your wishes and marry her off to her relative, would you have taken such an oath?”*

F. *He said to him, “No,” so R. Joseph released him from his vow.*

G. *But is it proper to release a vow in such a manner?*

H. *Yes indeed, for it has been taught on Tannaite authority: There was a man who imposed on his wife a vow not to go up for the pilgrim festival, and she violated his will and went up to Jerusalem for the*

pilgrim festival, so he went to R. Yosé. He said to him, “Have you known that she would violate your will and go up for the festival, would you have taken the vow?”

I. He said to him, “No.”

J. And R. Yosé released his vow.

3:1E

E. **R. Eliezer b. Jacob says, “Also: He who wants to force his fellow by a vow to eat with him says, ‘Any vow which I am going to vow is null’ – so long as he is mindful at the moment of his vow.”**

- I.1** A. *Well, once he says to the other, Any vow which I am going to vow is null, is the other going to pay any attention to him? Obviously, he’s not going to go with him [so what’s the point]!*
- B. **[23B]** *The passage is flawed, and this is how it is to be read: He who wants to force his fellow by a vow to eat with him and urges him to do so by taking a vow – this falls into the classification of vows of incitement and is invalid. He who wants all of his vows through the year to be invalid – at the beginning of the year, let him stand and declare, “All vows that I may make in the future will be null” – so long as he is mindful at the moment of his vow.*
- C. *Well, if he remembers the statement, then what he has done is cancel the declaration and confirm the vow!*
- D. *Said Abbaye, “Repeat the Tannaite formulation as: So long as he is not mindful at the moment of his vow.”*
- E. *Raba said, “In point of fact, matters are as we said before. But here with what sort of a situation do we deal? It is one in which he made the required stipulation at the New Year but does not know what he stipulated. Now he takes a vow. If he remembers, at the time of the vow, and says, ‘It is in accord with my original statement that I take this vow,’ then the vow is null. But if he does not make such a declaration, he has canceled his declaration and confirmed his vow.”*
- I.2** A. *R. Huna bar Hinena considered expounding this chapter. Said to him Raba, “The Tannaite framer of the passage has left the matter unclear, so that people should not treat vows lightly, and you want to teach it in public?!”*
- I.3** A. *[Since the passage is given in the name of Eliezer b. Jacob,] the question was raised: “Do rabbis differ from R. Eliezer b. Jacob or is that not the case?”*

- B. *Come and take note of what we have learned in the Mishnah: He who says to his fellow, [24A] “Qonam be benefit I derive from you, if you do not come and collect for your child a kor of wheat and two jugs of wine” – lo, this one [the fellow] can annul his vow without consultation with a sage, and say to him, “Did you not speak only to do me honor? But this [not taking your wheat and wine for my children] is what I deem to be honorable!” [M. Ned. 8:7A-C]. So the operative consideration is that he uses the language, But this [not taking your wheat and wine for my children] is what I deem to be honorable. But if he did not use such language, then it is a valid oath. Now who is the authority behind that unattributed rule? Surely it cannot be R. Eliezer b. Jacob’s, for in his opinion, this is nothing other than a vow of incitement [which is invalid without a sage’s act of absolution]. So it must represent the opinion of rabbis, and it must follow that they differ from R. Eliezer.*
- C. *Not at all, it really does speak in the name of R. Eliezer b. Jacob, but R. Eliezer b. Jacob concurs in this case that it is a valid oath, because what he says is, “I’m no dog, that I should derive benefit from you without your deriving benefit from me!”*
- D. *Come and take note: He who says to his fellow, “Qonam be benefit you derive from me, if you do not come and give my son a kor of wheat and two jugs of wine” – R. Meir says, “He is prohibited until he will give [what the other has demanded].” And sages say, “Also: This one can annul his vow without consultation with a sage, and one [who made the vow] says to him, ‘Lo, it is as if I have received what I demanded’” [M. 8:7D-G]. So the operative consideration is that he says, Lo, it is as if I have received what I demanded, but if not, this would be a valid vow. Now who is the authority behind that unattributed rule? Surely it cannot be R. Eliezer b. Jacob’s, for in his opinion, this is nothing other than a vow of incitement [which is invalid without a sage’s act of absolution]. So it must represent the opinion of rabbis, and it must follow that they differ from R. Eliezer.*
- E. *Not at all, it really does speak in the name of R. Eliezer b. Jacob, but R. Eliezer b. Jacob concurs in this case that it is a valid oath, because what he says is, “I’m no king, that I should give benefit to you without deriving benefit from you!”*
- F. *Said Mar Qashisha b. R. Hisda to R. Ashi, “Come and take note: Vows [broken] under constraint: [If] one’s fellow imposed a vow on him to eat with him, but he got sick, or his son got sick, or a river [overflowed and]*

stopped him – lo, these are vows [broken] under constraint [M. 3:3]. *But otherwise, it would be a valid vow. Surely it cannot be R. Eliezer b. Jacob's, for in his opinion, this is nothing other than a vow of incitement [which is invalid without a sage's act of absolution]. So it must represent the opinion of rabbis, and it must follow that they differ from R. Eliezer.*

- G. *Not at all, it really does speak in the name of R. Eliezer b. Jacob, but do you suppose that the one who made the invitation imposed it on the one who was being invited? No, it is the one who was being invited who imposed the vow on the one who gave the invitation. For he said to him, "Are you inviting me to your banquet?" The other said, "Yes." He said to him, "Then take a vow to that effect." He took the vow. But then the invitee or his son got sick or the river overflowed – lo, these are vows [broken] under constraint.*
- H. *Come and take note:* More than this did R. Eliezer b. Jacob say, namely, "He who says to his fellow, 'Qonam be anything I might enjoy if yours, if you don't come as a guest to me and eat with me a loaf of fresh bread and drink with me a nice hot drink,' and the other took umbrage at him – these, too, are vows of incitement." But sages did not concur. *Now what is the meaning of* But sages did not concur? *Is it not* [24B], "even to the first case given by R. Eliezer they did not concur? And that would prove that rabbis dispute his ruling throughout?
- I. *Yes indeed.*
- J. *So what's the upshot?*
- K. *Come and take note:* Said R. Huna, "The decided law accords with R. Eliezer b. Jacob."

3:2A-C

- A. **Vows of exaggeration:**
- B. **[If] he said, "Qonam if I did not see [walking] on this road as many as went out of Egypt,"**
- C. **"...if I did not see a snake as big as the beam of an olive press."**

- I.1** A. *A Tannaite statement:* Vows of exaggeration are null, but oaths of exaggeration are binding.
- B. *What would be an example of an oath of exaggeration? Should I say that he said, "By an oath, if I didn't see walking on this road..."? Then he's said nothing [not having completed his statement]!*
- C. *Said Abbaye, "He said, 'By an oath, I saw..."*

D. *Said to him Raba, "If so, why say so [since it's obvious]! And, furthermore, the language is used, 'parallel to vows....'"*

E. Rather, said Raba, "It is a case in which he says, 'May all the produce in the world be forbidden to me by oath, if I didn't see on this road as many as went out of Egypt.'"

F. *Said Rabina to R. Ashi, "Maybe this man saw an ant hill and called the ants, 'as many as those who went out of Egypt,' so that he has taken an entirely valid oath!"*

G. **[25A]** *He said to him, "When a person takes an oath, it is taking an oath in the ordinary meaning of words, and we would never imagine an ant nest in such a context!"*

H. *Well, then, is it the fact that people don't take oaths in accord with their own private sense of things? And has it not been taught on Tannaite authority: When they impose an oath on him, they say to him, 'You should know that we do not impose this oath upon you in accord with what is in your mind but in the mind of the Omnipresent and of the court'? What is the operative consideration? Is it not because we say, 'perhaps he gave him chess pieces instead of money but calls them money, and when he takes the oath, he is taking the oath that he gave him chess pieces that he calls money, that is to say, fully in accord with what is in his mind [instead of the general usage and intent of the language]."*

I. *No, there the reason is because of Raba's cane. [Reference is made to a case that] came before Raba. He said to the debtor, "Go, pay him."*

J. *He said to him, "I already paid him."*

K. *Raba said to him, "Then go take an oath to him that you paid him."*

L. *He went and brought a cane and put the money into it and leaned on it as he went along and he came to court. He said to the lender, 'Take this cane in your hand.' Then he took a scroll of the Torah and took an oath that he had paid him, so that whatever he was owing to him was in his hand. The other grew angry and broke the cane, and the money fell to earth, so it was shown that he had taken a true oath.*

M. *But even so, is it the fact that someone never takes an oath in accord with his own private sense of things? And has it not been taught on Tannaite authority: And so we find that, when at the plains of Moab Moses imposed an oath on Israel, he said to them, "Know that it is not in accord with what is on your minds that I impose this oath upon you, but in accord with what is in the mind of the Omnipresent and in accord with what is on my mind, for it is said, 'Neither with you only...' (Deu. 29:13)?" Now what did Moses say to Israel? Isn't this what he was saying to them: "Maybe you will violate what I am saying but then claim, 'We took the oath in our own sense of things.'" Therefore he exhorted them saying, "Take the oath in my sense of things.'" Now what does this exclude? Isn't the operative consideration therefore not that they might have in mind an idol [rather than God]? [Silverstone: They might in their own minds interpret the word "God" by "idol," and hence an oath would be in accord with the mind of the one who takes it, and Moses had to warn them.] Therefore it would prove that someone could sometimes take an oath with his own private sense of matters in mind?*

N. *No, it is because an idol also can be classified as god, in line with this verse: "Gods of silver or gods of gold you shall not make" (Exo. 20:20).*

O. *Let him say to them, then, "Carry out all of the commandments."*

P. *But "commandments" can cover the commandments of the king.*

Q. *Then let him make them take an oath to carry out all of the commandments?*

R. *That might cover the commandment covering show fringes, for a master has said, "The commandment on show fringes is equivalent to all of the other commandments of the Torah."*

S. *Then let him impose an oath on them to carry out the Torah.*

T. *But they might have had in mind only one Torah [rather than both of them].*

U. *Then let him say to them, "Carry out the Torahs."*

V. *But they might have had in mind "the torah of the sin-offering and the torah of the guilt-offering."*

W. *"Carry out the entirety of the whole of the Torahs."*

X. *Then they might have supposed that meant only not to worship idols, for a master has said, “The sin of idolatry is so weighty that one who denies idolatry is as though he had confessed to the entirety of the whole Torah.”*

Y. *Then let him impose on them an oath to observe the prohibition against idolatry and the whole Torah, or at least to fulfill all six hundred and thirteen commandments?*

Z. *Rather, Moses chose language that would not impose a lot of trouble [in enumerating details].*

- II.1** A. **“If I did not see a snake as big as the beam of an olive press”:**
- B. *But is such a thing not possible? Lo, in the time of King Shapur there was one that swallowed thirteen hides stuffed with straw.*
- C. *Said Samuel, “He meant, striped [as to the stripings on the snake, which are like those of a beam of wood].”*
- D. *But they all are striped.*
- E. *He meant striped on his back.*
- F. *So why not have the Tannaite formulation refer to one the back of which was smooth?*
- G. *The framer of the passage thereby informs us en passant that the beams of an olive press have to be smooth.*
- H. *Yeah, so what difference does it make?*
- I. *In matters of sale, to let you know: he who sells a beam of an olive press – if the back was smooth, it is a valid sale, but not if it was not smooth.*

3:2D-J

- D. [25B] **Vows made in error:**
- E. **“...if I ate,” or “...if I drank,” and he remembered that he ate or drank;**
- F. **“...if I shall eat,” or “...if I shall drink” and he forgot and ate and drank.**
- G. **[If] he said, “Qonam be any benefit my wife gets from me, for she stole my purse” “...for she beat up my son,” and he found out that she had not beaten up his son, or he found out that she had not stolen it.**
- H. **[If] he saw people eating figs [belonging to him] and said, “Lo, they are qorban to you!” and they turned out to be his father and brothers, and there were others with them –**

- I. the House of Shammai say, “They are permitted, and those with them are prohibited,”
- J. And the House of Hillel say, “These and those [men] are permitted [to eat the figs].”

- I.1** A. *A Tannaite statement:* Just as vows made in error are not binding, so oaths made in error are not binding.
- B. *What would be a case of oaths made in error?*
- C. *For example, those of R. Kahana and R. Assi: one said, “I swear that this is what Rab said,” and the other said, “I swear that that is what Rab said.” Each one of them took a truthful oath within his understanding of matters.*

- II.1** A. [If] he saw people eating figs [belonging to him] and said, “Lo, they are gorban to you!” and they turned out to be his father and brothers, and there were others with them – the House of Shammai say, “They are permitted, and those with them are prohibited,” and the House of Hillel say, “These and those [men] are permitted [to eat the figs]”:
- B. *There we have learned in the Mishnah: They unloose [vows] by reference to festival days and Sabbaths. At first they said, “On those particular days [the vows] are not binding, but for all other days they are binding.” But then R. Aqiba came along and taught that the vow part of which is unloosed is wholly unloosed [M. 9:6A-C].*
- C. *Said Rabbah, “All parties concur that if he said, ‘If I had known that my father was among you, I would have said, “All of you are forbidden except father, who is permitted,”’ then all are forbidden except for the father. Where there is a point of difference, it is a case in which he says, ‘If I had known that my father was among you, I would have said, “So-and-so is forbidden, and my father is permitted.”’”*
- D. **[26A]** *And Raba said, “All parties concur that if he said, ‘If I had known that father was with you, I should have said, “Mr. So-and-so and Mr. Such-and-such are forbidden, but father is permitted,”’ that all of them are permitted. There is a dispute only in the case in which he said, ‘If I had known that father was with you, I should have said, “All of you are forbidden except for father.”’ In that case, the House of Shammai adopt the reasoning of R. Meir, who holds, ‘The language expressed first is operative,’ and the House of Hillel adopt the reasoning of R. Yosé, who has said, ‘The language expressed last is operative.’” [Freedman: The dispute refers to his second declaration, which is*

divided into opening and concluding language; the first words are “you are all forbidden,” which are the same as the prior declaration, and the House of Shammai say that his vow has not been even partially annulled; his last words are, “except my father,” and these definitely limit the scope of the earlier declaration, so the House of Hillel maintain that the vow has thereby been partially, and therefore entirely, annulled.]

- E. *Objected R. Pappa to Raba*, “Under what circumstances did R. Aqiba take the position, A vow that has been partially nullified is entirely null? ‘Qonam that I do not benefit from any of you’ – if one of them is released from the effects of the vow, all of them are released from it. ‘...That I do not benefit from this one or that one or that one – if the first of the lot was released from the effects of the vow, all of them are released from it. If the last one was released from the vow, the last is free of the restriction, but the rest of it are bound under its provisions. *Now from Rabbah’s position, there is no problem, since one can apply the opening clause [‘qonam that I shall not benefit from all of you’] to the opening clause, namely, one in which the language was, from this one or that one or that one. And the concluding clause would refer to a case in which the language was, from any of you. But from your position, you, too, can apply the first clause to a case in which the language used was, from any of you. [26B] But for the second clause, in which the language used was, from this one or that one or that one – is that solely a position taken by R. Aqiba? Why should rabbis differ from him in that matter? And haven’t you said that all concur that the vow is entirely annulled?’*”
- F. *Said to him Raba*, “*And even from Rabbah’s perspective, is R. Aqiba’s ruling acceptable? How have you explained the passage in which he said, ‘any of you’? But then, who falls into the class of ‘first,’ and who falls into the class of ‘last’? Rather: The first clause means that he said, ‘any of you,’ but the second speaks of a case in which each entry depended on the prior one, that is, B be as A, C be as B. And a close reading shows it, for it is taught as the Tannaite formulation: If the one in the middle was released from the vow, from that party onward, the rest are released of the vow; but from that party backward, they are still bound by the vow.*”
- G. *Objected R. Ada bar Ahbah to Raba*, ““Qonam if I taste onions, because they are bad for the heart’ – they said to him, ‘But isn’t Kufri onion good for the heart?’ – he is permitted to eat Kufri onion but forbidden to eat all other kinds of onions. **There was a case along these lines, and R. Meir declared him permitted to eat all onions [M. 9:87E-J].** *Isn’t this a case in which he said,*

‘If I had known that Kufri onions are good for the heart, I should have used the language, “All onions are forbidden but Kufri onions are permitted”?’”

- H. *No, it is a case in which he said, “If I had known that Kufri onions are good for the heart, I would have said, ‘Such and such onions are forbidden to me, but wild onions are permitted,’ and therefore R. Meir’s ruling is in accord with both R. Aqiba and rabbis.*
- I. *Rabina objected to Raba, “ R. Nathan says, ‘There can be a vow part of which is released and part remains bound. How so? If he took a vow not to eat a basket of figs, [27A] and in the basket were shuah figs, and he said, ‘If I had known that there were shuah figs in the basket, I should never have taken that vow,’ the basket is forbidden, but the shuah figs in it are permitted.’ That was so until R. Aqiba came and said, ‘A vow part of which has been released is wholly released’ [T. Ned. 5:1P-S]. Does this then mean that he said, ‘If I had known that there were shuah figs in the basket, I would have said, ‘the black and white figs are forbidden, but the shuah figs are permitted’? And it represents the view of R. Aqiba in particular, but rabbis differ [while Raba has said all parties concur]?’”*
- J. *“No, it is a case in which he says, ‘If I had known that there were shuah figs in the basket, I should have said, “The entire basket is forbidden, but the shuah figs are permitted,’ and what Tannaite authority would stand behind that position? It is in line with that which our rabbis have taught on Tannaite authority: If one took a vow against five persons all at once, if he is released of the vow concerning one of them, all of them are released from the vow. If he said, ‘except for one of them,’ that one is released and the others are forbidden. Now from the view of Rabbah, the opening clause represents the position of R. Aqiba and the concluding one the opinion of all parties; from the view of Raba, the concluding clause is that of rabbis, and the opening clause represents all parties.*

3:3

- A. **Vows [broken] under constraint:**
- B. **[If] one’s fellow imposed a vow on him to eat with him, but he got sick, or his son got sick, or a river [overflowed and] stopped him – lo, these are vows [broken] under constraint.**

- I.1** A. *There was someone who assigned to the court a document embodying his rights, and he said, “If I don’t come back in thirty days, then these rights of*

mine are null.” He was unavoidably detained and didn’t come. Said R. Huna, “His rights are null.”

- B. Said to him Raba, “He was unavoidably detained, and in the case of someone who is unavoidably prevented, the All-Merciful exempts him, for it is written, ““But to the girl you shall do nothing” (Deu. 22:26) [Kirzner: for so far as she is concerned, it was against her will and a sheer mishap]. And should you say that that means she is not to be put to death, but, as to damages, there should be liability, have we not learned in the Mishnah: **Vows [broken] under constraint: [If] one’s fellow imposed a vow on him to eat with him, but he got sick, or his son got sick, or a river [overflowed and] stopped him – lo, these are vows [broken] under constraint?**

C. And from the perspective of Rabbah, how is this different from that about which we have learned in the Mishnah: “**Lo, this is your writ of divorce, if I do not come back within twelve months,**” and he died within twelve months, it is no writ of divorce [M. Git. 7:8A-C]? Why should that be the case? Lo, he was unavoidable detained!

D. Say: Perhaps that case is different, [27B] for if he had known that he was going to die, he would have reached the decision to hand over the document and let it take effect forthwith.

E. And how does the case differ from the one involving the man who said, “If I don’t come back from now until thirty days have passed, it will be a valid writ of divorce” [that is, given now, effective in thirty days]. He came at the end of thirty days, but was held up at the ferry. He said to them, “Look, I’m back! look, I’m back.” Said Samuel, “That’s not classified as coming back.” Now why should that be the case? He was unavoidably delayed?

F. But maybe unavoidable constraint that may take place commonly is exceptional, since he should have made a stipulation to cover such a foreseeable accident but did not do so and so caused his own injury [and hence Raba’s conclusion is not to be drawn].

G. Now from the perspective of R. Huna [at A], since it represents a mere come-on, and a come-on does not transfer title [since the promise is not taken seriously but just to be a gesture of good faith].

H. The case here is different, since the man had deposited his rights.

I. But where there is a deposit as here, isn’t this just another come-on? And haven’t we learned in the Mishnah: **He who paid part of a**

debt which he owed and who deposited the bond with a third party, and said to him, "If I have not given you [what I still owe the lender] between now and such-and-such a date, give [the creditor] his bond of indebtedness," [if] the time came, and he has not paid, R. Yosé says, "He should hand it over." And R. Judah says, "He should not hand it over" [M. **B.B. 10:5**]? And said R. Nahman said Rabbah bar Abbuha said Rab, "The law is not in accord with R. Yosé, *who has ruled that a mere come-on does transfer title*!"

J. *The case here is different, because the language he used is, "These rights shall be null."*

K. *And the decided law is: The come-on does effect the transfer of title, on the condition that there be no intervening unavoidable accident, and on the condition that a formal act of acquisition and transfer of title took place at a qualified court.*

3:4

- A. **They take a vow to murderers, robbers, or tax collectors**
- B. **that [produce] is heave-offering, even though it is not heave-offering;**
- C. **that [property] belongs to the state, even though it does not belong to the state.**
- D. **The House of Shammai say, [28A] "In any form of words they vow except in the form of an oath."**
- E. **And the House of Hillel say, "Even in the form of an oath."**
- F. **The House of Shammai say, "One should not [volunteer to] take a vow at the outset."**
- G. **And the House of Hillel say, "Also: One [voluntarily] takes a vow at the outset."**
- H. **The House of Shammai say, "[One takes a vow] only in the matter concerning which the vow is imposed."**
- I. **And the House of Hillel say, "Also: Concerning that in which the vow is not imposed."**
- J. **How so?**
- K. **[If] they said to him, "Say: 'Qonam be any benefit my wife has with me!'" and he said, "Qonam be any benefit my wife and children have with me!" –**

L. The House of Shammai say, “His wife is permitted, and his children prohibited.”

M. And the House of Hillel say, “These and those are permitted.”

I.1 A. [They take a vow to...tax collectors:] But didn't Samuel say, “The law of the state is valid [and Jews must obey it]?”

B. Said R. Hinena said R. Kahana said Samuel, “The rule at hand refers to a tax collector who is not subject to a defined limit of what is to be collected.”

C. The household of R. Yannai said, “It speaks of a free-lance tax collector.”

II.1 A. that [property] belongs to the state, even though it does not belong to the state:

B. *What does he say in the vow?*

C. Said R. Amram said Rab, “He says, ‘Let all the produce of the world be forbidden to me, if they don't belong to the household of the king.’ *But if he said, ‘May they be forbidden to me,’ all the produce in the world are forbidden to him. And he says, ‘today.’*”

D. But if he says “today” [only], the tax collector will never accept such a claim from him.

E. He says “today” only in his heart, but he makes his articulated statement without further explanation. *And even though, in general, we take the position, “matters that are in the heart are null,” in respect to people subject to intimidation, the law is otherwise.*

III.1 A. The House of Shammai say, “In any form of words they vow except in the form of an oath.” And the House of Hillel say, “Even in the form of an oath.” The House of Shammai say, “One should not [volunteer to] take a vow at the outset.” And the House of Hillel say, “Also: One [voluntarily] takes a vow at the outset.” The House of Shammai say, “[One takes a vow] only in the matter concerning which the vow is imposed.” And the House of Hillel say, “Also: Concerning that in which the vow is not imposed.” How so? [If] they said to him, “Say: “Qonam be any benefit my wife has with me!” “ and he said, “Qonam be any benefit my wife and children have with me!” – The House of Shammai say, “His wife is permitted, and his children prohibited.” And the House of Hillel say, “These and those are permitted”:

B. *Said R. Huna, “A Tannaite statement: The House of Shammai say, ‘One should not volunteer to take an oath at the outset.’ And the House of Hillel*

say, 'One may even volunteer to take an oath at the outset.' *From the perspective of the House of Shammai, it is the oath in particular that he is not to volunteer at the outset, but lo, as to a vow, he volunteers to take one. And against this, we have learned in the Mishnah: The House of Shammai say, 'One should not [volunteer to] take a vow at the outset.'* Furthermore, he may merely not volunteer to take an oath, but he may take an oath if required, as against what we have learned in the Mishnah: **The House of Shammai say, 'In any form of words they vow except in the form of an oath.'**"

- C. *The Tannaite authority of our Mishnah makes reference to the vow to show you how far the House of Shammai is prepared to go; the passage cited just makes reference to the oath to show you how far the House of Hillel is prepared to go.*
- D. *R. Ashi said, "This is the sense of the Tannaite statement: The House of Shammai say, 'There is no possibility of remission for an oath,' and the House of Hillel say, 'There is every possibility of remission for an oath.'"*

3:5

- A. [He who says], "Lo, these plants are qorban, if they are not cut down,"
- B. "This cloak is qorban if it is not burned" –
- C. they are subject to redemption.
- D. "Lo, these plants are qorban until they are cut down,"
- E. "This cloak is qorban until it is burned" –
- F. [28B] they are not subject to redemption.

- I.1 A. [They are subject to redemption:] *Why not frame matters rather in the language, they are sanctified?*
- B. *Because the second clause is framed in the language, they are not subject to redemption, the first clause uses the same formulation, they are subject to redemption.*

- I.2 A. *How did he frame the vow?*
- B. Said Amemar, "He says, 'If they are not cut down today,' and the day passed without their being cut down."
- C. *If so, why say so? It's obvious!*
- D. *The rule was necessary to deal with a case in which a strong wind is blowing* [Freedman: in which case it might be assumed that he never for a moment

thought it possible for the saplings to be spared and did not sanctify them sincerely; but that is not the case].

- E. *Yes, but the same rule is set forth with regard to the cloak, and a cloak is not ordinarily destined for burning! [How does the explanation now hold?]*
- F. *For instance, where there is a fire. And here, too, a strong wind is blowing, and I might suppose that he thought that they would not be saved and therefore took the vow. But the Mishnah rule tells us that the vow nonetheless is binding.*

II.1 A. “Lo, these plants are qorban until they are cut down,” “This cloak is qorban until it is burned” – they are not subject to redemption:

- B. Are they never [subject to redemption]?
- C. Said Bar Peda, “He redeems them, then they revert to their sanctity, and he does the same with the same result, until they are cut down. Once they are cut down, he redeems them, and that does it.”
- D. And Ulla said, “Once they are cut down, they are not to be again redeemed” [Freedman: since by the term of the vow, their consecration lasts only until then].

E. [29A] Said to him R. Hammuna, “Then where did the sanctity that inhered in them go away? Now if he had said to a woman, ‘Today you will be my wife, and tomorrow you will not be my wife,’ *does he send her away without a writ of divorce? [Of course not! So what’s going on here?]*”

F. *Said to him Raba, “Are the two cases really going to be parallel when you have a sanctification as to the value of something alongside the sanctification as to the essence of something? The sanctification of the value of something may come to an end on its own, but the sanctification as to the essence of something cannot come to an end on its own.”*

G. *Said to him Abbaye, “And is it the fact that the sanctification as to the essence of something cannot come to an end on its own? And has it not been taught on Tannaite authority: If someone said, ‘This ox is a burnt-offering for thirty days, and then a peace-offering’ – then for the entire span of thirty days it is classified as a burnt-offering; after thirty days it is classified as a peace-offering. But why should that be the case? This is a sanctification of the essence of the thing, and it would appear to have gone off on its own automatically!”*

H. *“Here with what situation do we deal? It is one in which he said, ‘as to its value.’”*

I. *“If so, note what follows: If he said, ‘after thirty days it will be a burnt-offering, but from this point to then, a peace-offering.’ Now, if you maintain that the one speaks of the sanctification of the essence of the beast, and the other, the sanctification of its value, [29B] then that explains why the Tannaite authority had to set forth both clauses. For it might have entered your mind to suppose that sanctification as to monetary value can disappear on its own, automatically, and that is not the case for sanctification as to the body or the essence of the beast; so it was necessary to teach both cases. But if you hold that both clauses refer only to the sanctification of the beast only as to its value, why is it necessary for the Tannaite framer of the passage to set forth both items? If a higher level of sanctification automatically gives way to a lower level of sanctification, then why should anyone ever have had to say that a lower level of sanctification can be replaced by the higher [the peace-offering gives way to the burnt-offering]? May we not then say that this refutes the position of Bar Pada, who takes the position that sanctification does not come to an end on its own?”*

J. *Said R. Pappa, “Bar Peda will say the following to you: This is the sense of the statement, ‘If he did not say, “Let this be a peace-offering from now,” then it remains a burnt-offering even after thirty days.’ It runs parallel to the case in which someone says to a woman, ‘Be betrothed to me after thirty days,’ that she is betrothed to him, and that is so even if the money should be used up.”*

K. *So what else is new!*

L. *It was necessary to state the rule to deal with a case in which he retracted.*

M. *That poses no problem from the perspective of him who says that a woman cannot retract, but from the perspective of him who says that she can, what is to be said?*

N. *Even from the view of him who takes the view in that case that she may retract, in this case it is exceptional, for a verbal promise to the Most High is tantamount to an actual act of delivery in the case of an ordinary person.*

- II.2** A. *In session R. Abin and R. Isaac bar Rabbi were before R. Jeremiah, who dozed off. In session they said, “In the view of Bar Peda, who has said, ‘He redeems them, then they revert to their sanctity, and he does the same with the same result, until they are cut down,’ [30A] you should be able to solve the problem that R. Hoshayya raised: He who gives two pennies to a woman and said to her, ‘With one of them be betrothed to me today, and with one of them be betrothed to me after I divorce you’ – from what he has said, you should be able to conclude that the second is a valid act of betrothal.”*
- B. *At these remarks R. Jeremiah awoke, saying to him, “Do you really propose to treat as comparable a case in which the owner redeems something and a case in which third parties do so? This is what R. Yohanan said, ‘If he personally redeemed them, they revert to their prior status of sanctification; but if others do so, they don’t.’ Now, a divorced woman may be compared to a case of redemption by third parties. So, too, it has been stated: Said R. Ammi said R. Yohanan, ‘That rule has been stated only to cover a case in which he has redeemed them. But if others did so, they do not revert to a state of sanctification.’”*

3:6

- A. **He who vows [not to gain benefit] from those who go down to the sea is permitted [to enjoy benefit] from those who dwell on dry land.**
 - B. **[He who vowed not to enjoy benefit] from those who dwell on dry land is prohibited [to enjoy benefit] from those who go down to the sea,**
 - C. **for those who go down to the sea are part of the generality of those who live on dry land.**
 - D. **[Those who go down to the sea includes] not the like of those who go from Acre to Jaffa but the one who sails out of sight of land.**
- I.1** A. *R. Pappa and R. Aha b. R. Iqa – one made the last statement [Those who go down to the sea includes not the like of those who go from Acre to Jaffa but the one who sails out of sight of land/ with regard to the first clause, the other to the second.*

B. *The one who maintained that that statement speaks to the first clause repeats the matter in this wise: He who vows [not to gain benefit] from those who go down to the sea is permitted [to enjoy benefit] from those who dwell on dry land.* Thus, he may not derive benefit from seafarers, **[30B]** *but not the like of those who go from Acre to Jaffa, for these are land dwellers, but the one who sails out of sight of land.*

C. *The one who maintained that that statement speaks to the second clause reads the matter in this way: He who vows [not to gain benefit] from those who go down to the sea is permitted [to enjoy benefit] from those who dwell on dry land – not only the like of those who go from Acre to Jaffa but the one who sails out of sight of land, since these will eventually come up on land again.*

3:7

- A. **He who vows [not to enjoy benefit] from those who see the sun is prohibited even [to enjoy benefit] even from the blind.**
- B. **For he intended [to separate himself] only from the one whom the sun sees.**

- I.1 A. *How come?*
- B. *Since he didn't use the language, "from those who see...", he intended to exclude only fish and embryos [but not blind people].*

3:8

- A. **He who vows [not to enjoy benefit] from black haired men is prohibited [to enjoy benefit] from bald people and from white haired people.**
- B. **But he is permitted [to enjoy benefit] from women and children, for only men are called black haired.**

- I.1 A. *How come?*
- B. *Since he didn't use the language, "From those who have hair" at all.*

- II.1 A. **But he is permitted [to enjoy benefit] from women and children, for only men are called black haired:**
- B. *How come?*
- C. *Man may or may not cover their heads, but women always do, and children never do.*

3:9

- A. He who vows [not to enjoy benefit] from creatures that are [already] born is permitted [to enjoy benefit] from those creatures who may be born [thereafter].
- B. [If he vowed not to enjoy benefit] from those who may be born [thereafter], he is prohibited [to enjoy benefit] from those who are born.
- C. R. Meir permits [him to enjoy benefit] also from those who are born.
- D. And sages say, “This one intended [to separate himself] only from anyone [whose nature it is to be] brought forth [living creatures].”

- I.1**
- A. *From R. Meir’s perspective, if he is not forbidden from those who are born, then from whom is he forbidden?*
 - B. *There is a flaw in the passage, and this is the way in which it should be read: He who vows [not to enjoy benefit] from creatures that are [already] born is permitted [to enjoy benefit] from those creatures who may be born [thereafter]. [If he vowed not to enjoy benefit] from those who may be born [thereafter], he is prohibited [to enjoy benefit] from those who are born. R. Meir says, “Also he who takes a vow not to derive benefit from those that are born is permitted [to enjoy benefit] also from those who are later on born, just as he who vows not to benefit from those that are born may benefit from those that will be born.”*

- I.2**
- A. *Said R. Pappa to Abbaye, “Is that to say that ‘those that are born’ bears the meaning of ‘those that are going to be born’? If so, what about the verse, ‘your two sons, which are born to you in the land of Egypt’ (Gen. 48: 5)? Does this mean, ‘those who are to be born [but they already were born]!’”*
 - B. *“Well then, what? That it speaks of those who already are born? Then what about the verse, “Behold a child has been born into the house of David, named Josiah” (1Ki. 13: 2) – will you say that he was already born? But even Menasseh, the grandfather of Josiah, at that point was not born! Rather, that has been born bears both meanings, and in interpreting vows, we follow the prevailing usage.”*

- II.1**
- A. **And sages say, “This one intended [to separate himself] only from anyone [whose nature it is to be] brought forth [living creatures]”:**
 - B. *To exclude what classification of things?*
 - C. Fish and birds [which are not born but spawned or hatched (Freedman)].

3:10

- A. [31A] He who vows [not to enjoy benefit] from those who rest on the Sabbath is prohibited [to enjoy benefit] both from Israelites and from Samaritans.
- B. [If he vowed not to enjoy benefit] from garlic eaters, he is forbidden [to derive benefit] from Israelites and Samaritans.
- C. [If he vowed not to enjoy benefit] from those who ascend to Jerusalem, he is forbidden [to enjoy benefit] from Israelites but permitted [to enjoy benefit] from Samaritans.

- I.1** A. *What is the definition of those who rest on the Sabbath? If it makes reference to those who carry out the Sabbath, then why make reference to Samaritans? It would cover even gentiles. So it must make reference to those who are commended in respect to the Sabbath.*
- B. *If so, then note what follows: [If he vowed not to enjoy benefit] from those who ascend to Jerusalem, he is forbidden [to enjoy benefit] from Israelites but permitted [to enjoy benefit] from Samaritans. Now why should this be the case? They, too, are commanded in that regard [but don't keep the commandment]!*
- C. *Said Abbaye, "Both clauses refer to those who are commanded and carry out their commandments. In the opening clause, both Israelites and Samaritans are commanded to keep the Sabbath; the gentiles who do so are not commanded to do so. As to making pilgrimages to Jerusalem, Israelites are commanded and carry out the commandment, but Samaritans, while commanded, don't do it.*

3:11A

- A. [If a man said,] "Qonam if I have benefit from the children of Noah" – he is permitted [to enjoy benefit] from Israelites and prohibited [to enjoy benefit] from the nations of the world.

- I.1** A. *So are Israelites excluded from the category of the children of Noah?!*
- B. *Once Abraham was sanctified, they were called by his name [and not children of Noah].*

3:11B

- B. "...if I have benefit from the seed of Abraham," he is prohibited [to enjoy benefit] from Israelites, and permitted [to enjoy benefit] from the nations of the world.

- I.1 A. *Well, what about the Ishmaelites [who are left out here]!*
B. "For in Isaac shall your seed be called" (Gen. 21:12).
C. *And what about Esau?*
D. "...in Isaac...", not all of Isaac's [descendants are included].

3:11C-F

- C. [If he said, "Qonam] if I have benefit from Israelites," he buys for more and sells for less.
D. "...if Israelites enjoy benefit from me," he buys for less and sells for more –
E. (if anyone will pay attention to him!)
F. "...if I derive benefit from them and they from me" – he derives benefit from gentiles.

- I.1 A. Said Samuel, "He who takes a utensil from a worker so as to examine it and it broke in his hand is liable to pay for it." [Slotki: The shopkeeper by taking the bottle has undertaken responsibility for it and he is not absolved until the bottle has gone back to the owner, not merely to the child.]
B. *Then it must follow that he takes the view that the benefit is assigned to the purchaser. We have learned in the Mishnah, [If he said, "Qonam] if I have benefit from Israelites," he buys for more and sells for less. But he does not sell at the actual worth. Now, if the benefit is assigned to the purchaser, then why not sell it for the actual worth?*
C. *The Mishnah speaks of a case in which the article is something that is not going to be purchased.*
D. *If so, note the first clause: he buys for more. And furthermore, note the second clause: "...if Israelites enjoy benefit from me," he buys for less and sells for more. Now if the Mishnah speaks of a case in which the article is something that is not going to be purchased, then even selling it at its actual worth should be permitted [since the purchaser does not gain]!*
E. *The second clause refers to merchandise that is in high demand.*

- F. *If that is the case, then why must the purchase not be for full value [as the seller does not benefit, since he can sell the merchandise elsewhere (Freedman)]?*
- G. **[31B]** *Rather, the Mishnah refers to ordinary merchandise, and Samuel speaks of an article that is in high demand.*
- H. *So, too, it has been taught on Tannaite authority: He who takes on approval goods from the craftsman's shop to send them as a gift to the household of his prospective father-in-law and stipulates, "If they accept them from me," I shall pay you their price, but if not, I shall at least pay you something for the benefit that I gain from them [in showing my in-laws that I want to give them a nice gift]" – if an accident happened on the way, he is liable [to make up the cost], but if it happened en route back, he is exempt, because, at that time, he is in the status of a paid bailee. [Freedman: Since he no longer has any intention of buying the goods, the goods are not his property, and he is liable only in consequence of the good will enjoyed, which makes him a paid bailee, even though the tradesman had actually received payment for this benefit. How much more should this be the case with a gratuitous borrower.]*

I.2 A. *Somebody sold an ass to his fellow. The other said to him, "I am going to take it to such-and-such a place. If it is sold, well and good, and if not, I shall bring it back to you." He went but did not sell it, and when he was coming back, it was accidentally injured. The case came before R. Nahman, who imposed liability upon him.*

B. *Rabbah objected to R. Nahman, "If an accident happened on the way, he is liable [to make up the cost], but if it happened en route back, he is exempt, because, at that time, he is in the status of a paid bailee."*

C. *He said to him, "The return journey in this case is in the category of an outward journey. Why so? It stands to reason that if he had found someone to buy the beast, would he not have sold it to him?"*

3:11G-R

- G. **[If he said,] "Qonam if I derive benefit from the uncircumcised," he is permitted [to derive benefit] from uncircumcised Israelites but prohibited [from deriving benefit] from circumcised gentiles.**
- H. **"Qonam if I derive benefit from the circumcised" – he is prohibited [to derive benefit] from uncircumcised Israelites and permitted [to derive benefit] from circumcised gentiles.**

- I. For the word “uncircumcised” is used only as a name for gentiles, as it is written, “For all the nations are uncircumcised, and the whole house of Israel is uncircumcised at heart” (Jer. 9:26).
- J. And it says, “This uncircumcised Philistine” (1Sa. 17:36).
- K. And it says, “Lest the daughters of the Philistines rejoice, lest the daughters of the uncircumcised triumph” (2Sa. 1:20).
- L. R. Eleazar b. Azariah says, “The foreskin is disgusting, for evil men are shamed by reference to it, as it is written, For all the nations are uncircumcised.”
- M. R. Ishmael says, “Great is circumcision, for thirteen covenants are made thereby.”
- N. R. Yosé says, “Great is circumcision, since it overrides the prohibitions of the Sabbath, which is subject to strict rules.”
- O. R. Joshua b. Qorha says, “Great is circumcision, for it was not suspended even for a moment for the sake of Moses, the righteous.”
- P. R. Nehemiah says, “Great is circumcision, for it overrides the prohibition [against removing the marks of] the presence of the skin ailment [described at Lev. 13].”
- Q. Rabbi says, “Great is circumcision, for, despite all the commandments which Abraham our father carried out, he was called complete and whole only when he had circumcised himself as it is said, Walk before me and be perfect (Gen. 17: 1).
- R. “Another matter: Great is circumcision, for if it were not for that, the Holy One, blessed be He, would not have created his world, since it says, ‘Thus says the Lord: But for my covenant by day and night, I should not have set forth the ordinances of heaven and earth’ (Jer. 33:25).”

I.1 A. *It has been taught on Tannaite authority:*

- B. R. Joshua b. Qorha says, “Great is circumcision, for all the supererogatory deeds that Moses our lord carried out did not stand up in his defense when he neglected the rite of circumcision: ‘And the Lord met him and sought to kill him’ (Exo. 4:24).”
- C. Said R. Yosé, “God forbid that Moses should be thought to have neglected the rite of circumcision! But this is what he thought: ‘If I circumcise my son and then go forth to Pharaoh, I will endanger his life: ‘And it came to pass on the third day, when they were sore’ (Gen. 34:25). If I circumcise him but then

wait around for three days – the Holy One, blessed be He, has said to me, ‘Go, return to Egypt’ (Exo. 4:24). So how come Moses was punished? [32A] Because he got involved first of all with the inn: ‘And it came to pass by the way, in the inn’ (Exo. 4:19).”

- D. Rabban Simeon b. Gamaliel says, “It was not our Lord, Moses, whom Satan wanted to kill, but the child: ‘Then Zipporah took a sharp stone and cut off the foreskin of her son and cast it at his feet and said, Surely a blood groom you are to me’ (Exo. 4:25), and ‘groom’ is who? Surely it is the infant to be circumcised.”

- I.2** A. Expounded R. Judah bar Bizna, “When our lord, Moses, neglected the rite of circumcision, anger and wrath came and swallowed him up, leaving only his legs sticking out. Forthwith: ‘Then Zipporah took a sharp stone and cut off the foreskin of her son and cast it at his feet and said, Surely a blood groom you are to me’ (Exo. 4:25). Forthwith ‘he left him alone.’
- B. “At that moment Moses wanted to kill them: ‘Cease from wrath and anger’ (Psa. 37: 8).”
- C. Some say, “He did slay wrath: ‘I have no wrath’ (Isa. 27: 4).”
- D. But isn’t it written, “For I was afraid of wrath and anger” (Deu. 9:19)?
- E. This refers to two angels, named Hemah.
- F. *Some say, “He slew the entire troop commanded by anger, but not anger.”*

- I.3** A. *It has been taught on Tannaite authority:*
- B. Rabbi says, “Great is circumcision, for you have none who was so deeply engaged in religious duties as our father, Abraham, but he was called ‘perfect’ only on account of circumcision: ‘Walk before me and be you perfect’ (Gen. 17: 1), ‘And I will make my covenant between me and thee’ (Gen. 17: 2).”
- C. Another statement: “Great is circumcision, for it outweighs all the other religious duties that are in the Torah: ‘For after the tenor of these words I have made a covenant with thee and with Israel’ (Exo. 34:27).
- D. Another statement: “Great is circumcision, for were it not for circumcision, the heaven and the earth could not endure: ‘Thus saith the Lord, but for my covenant by day and night, I would not have appointed the ordinances of heaven and earth’ (Jer. 33:25).”
- E. *This differs from what R. Eleazar said, for said R. Eleazar, “Great is the Torah, for were it not for the Torah, the heaven and the earth could not*

endure: “Thus saith the Lord, but for my covenant by day and night, I would not have appointed the ordinances of heaven and earth’ (Jer. 33:25).”

Topical Composite on Abraham

- I.4** A. Said R. Judah said Rab, “When the Holy One, blessed be He, said to Abraham our father, ‘Walk before me and be you perfect’ (Gen. 17: 1), trembling seized him. He thought, ‘Maybe there is some unseemly thing in me.’ But when he said to him, ‘And I will make my covenant between me and thee’ (Gen. 17: 2), he calmed down.”
- I.5** A. “And he brought him forth outside” (Gen. 15: 5):
B. He said before him, “Lord of the world, I have closely examined my star, and I have seen that I am destined to have no children.”
C. He said to him, “Abandon this astrology of yours – Israel is not subject to astrology.”
- I.6** A. Said R. Isaac, “With whoever seeks to perfect himself will the Holy One, blessed be He, deal uprightly: ‘With the merciful you will show yourself merciful, with the upright, upright’ (2Sa. 22:26).”
- I.7** A. Said R. Hoshayya, “Whoever seeks to perfect himself – the hour will stand in his favor: ‘Walk before me and be you perfect’ (Gen. 17:21), ‘And you shall be a father of many nations’ (Gen. 17: 4).”
- I.8** A. Said R. Levi, “Whoever practices enchantment will be subjected to enchantment: ‘For against him of the seed of Jacob there is enchantment’ (Num. 23:23).”
B. But lo, the word is written LA, meaning, “not...”
C. Rather, it is on the count of punishment being meted out measure for measure.
- I.9** A. *A Tannaite statement by Ahbah b. R. Zira:* “Anyone who does not practice enchantment do they bring in within the barrier [around God], where even the ministering angels cannot enter: ‘For there is no enchantment in Jacob, neither is there any divination in Israel; now it shall be asked of Jacob and Israel, what has God wrought’ (Num. 23:23).”
- I.10** A. Said R. Abbahu said R. Eleazar, “How come our father Abraham was punished and his children subjugated in Egypt for two hundred and ten years? Because he imposed the corvée on disciples of sages: ‘He armed his dedicated servants born in his own house’ (Gen. 14:14).”

- B. And Samuel said, “Because he exaggerated in testing the traits of the Holy One, blessed be He: ‘And he said, Lord God, how shall I know that I shall inherit it’ (Gen. 15: 8).”
- C. And R. Yohanan said, “It is because he kept people from coming under the wings of the Presence of God: ‘And the king of Sodom said to Abraham, give me the persons, and you take the goods’ (Gen. 14:21).”

I.11 A. “He armed his dedicated servants born in his own house” (Gen. 14:14):

- B. Rab said, “He equipped them through the Torah.”
- C. And Samuel said, “He equipped them with gold.”

I.12 A. “Three hundred and eighteen”:

- B. Said R. Ammi bar Abba, “Eliezer was equal to all the rest of them.”

C. *There are those who say, “It was Eliezer alone, since that is the numerical value of the letters that make up his name.”*

I.13 A. And said R. Ammi bar Abba, “At the age of three years did Abraham recognize his Creator: ‘Because Abraham obeyed my voice’ (Gen. 26: 5), *and the numerical value of the word for ‘because’ is 172 [thus: for 172 years Abraham obeyed, and he lived 175 years, so he was three at the start].*”

I.14 A. And said R. Ammi bar Abba, **[32B]** “The numerical value of the word, Satan, is 364.”

I.15 A. And said R. Ammi bar Abba, “It is written, ‘Abram,’ and also, ‘Abraham.’ At first, God gave him mastery over 243 limbs, then 248, adding the two eyes, ears, and penis.”

I.16 A. And said R. Ammi bar Abba, ““There is a little city, with a few men in it, and there came a great king against it and besieged it, and built great bulwarks against it. Now there was found in it a poor wise man, and he by his wisdom delivered the city, and yet no man remembered that poor man’ (Qoh. 9:14-15):

- B. “‘There is a little city’: this is the body;
- C. “‘With a few men in it’: These are the limbs;
- D. “‘And there came a great king against it and besieged it’: This refers to the urge to do evil;
- E. “‘And built great bulwarks against it’: This refers to sin;
- F. “‘Now there was found in it a poor wise man’: This refers to the urge to do good;

- G. “‘And he by his wisdom delivered the city’: This refers to repentance and good deeds;
- H. “‘And yet no man remembered that poor man’: For when the urge to do evil rules, no body remembers the urge to do good.”

I.17 A. “Wisdom strengthens the wise more than ten mighty ones that are in the city”: Qoh. 7:19):

B. “Wisdom strengthens the wise”: This refers to repentance and good deeds.

C. “More than ten mighty ones that are in the city”: This refers to the two eyes, ears, hands, feet, penis, and mouth.

- I.18** A. Said R. Zechariah in the name of R. Ishmael, “The Holy One, blessed be He, wanted to bring forth the priesthood through Shem: ‘And he, Melchizedek, was the priest of the most high God’ (Gen. 14:18). But, because he gave priority, when he bestowed his blessing, to Abraham over God, he brought the priesthood forth through Abraham: ‘And he blessed him and said, blessed be Abram of the most high God, who holds heaven and earth, and also blessed be the most high God’ (Gen. 14:19-20).
- B. Said Abraham to him, ‘Is the blessing of a servant to take priority over the blessing of the master?’
- C. “Forthwith the priesthood was given to Abraham: ‘The Lord said to my Lord, Sit at my right hand until I make your enemies your footstool’ (Ps. 110: 1), then: ‘The Lord has sworn and will not repent, you are a priest for ever, after the order of Melchizedek’ (Psa. 110: 4) – ‘because of what Melchizedek said.’
- D. “Thus it is written, ‘And he, Melchizedek, was the priest of the most high God’ (Gen. 14:18) – he was a priest, but his seed was not going to constitute the priesthood.”