

# IX.

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## BAVLI NEDARIM CHAPTER NINE

### FOLIOS 64A-66B

#### 9:1

- A. [64A] R. Eliezer says, “They unloose a vow for a person by [reference to] the honor of his father or mother.”
- B. And sages prohibit.
- C. Said R. Sadoq, “Before they unloose a vow for him by [reference to] the honor of his father or mother, let them unloose his vow by reference to the honor of the Omnipresent.
- D. “If so, there will be no vows!”
- E. But sages concede to R. Eliezer that, in a matter which is between him and his mother or father, they unloose his vow by [reference to] the honor of his father or mother.

#### 9:2

- A. And further did R. Eliezer say, “They unloose a vow by reference to what happens unexpectedly [a new fact].”
- B. And sages prohibit.
- C. How so?
- D. [If] he said, “Qonam be what I enjoy which derives from So-and-so,” and the person was appointed a scribe,
- E. or the person was marrying off his son in the near future,

- F. and he [who took the vow] then said, “If I had known that he would be appointed a scribe, or that he would be marrying off his son in the near future, I should never have made such an oath!” –
- G. [If he said,] “Qonam be this house if I enter it,” and it was turned into a synagogue,
- H. [If] he said, “If I had known that it would be made into a synagogue, I should never have taken that oath,”
- I. **R. Eliezer permits [declares the vow to be unbound].**
- J. **And sages prohibit [declare the vow to remain binding].**

## I.1

- A. *What is the meaning of “If so, there will be no vows”?*
- B. Said Abbaye, “If so, vows will not be appropriately released.”
- C. **[64B]** And Raba said, “If so, no one will come to a sage for release of a vow.”
  - D. *We have learned in the Mishnah: But sages concede to R. Eliezer that, in a matter which is between him and his mother or father, they unloose his vow by [reference to] the honor of his father or mother. Now there is no problem in that statement from the perspective of Abbaye, who has said, “If so, vows will not be appropriately released.” For in this case, since he has been impudent, so be it. But from the perspective of Raba, who has said, “If so, no one will come to a sage for release of a vow,” why in this particular case is such a basis for the release of a vow proposed here?*
  - E. *Say: Since all other vows can be released only with the intervention of a sage, here, too, they provide an opening for the release of the vow.*

## II.1

- A. **And further did R. Eliezer say, “They unloose a vow by reference to what happens unexpectedly [a new fact]”:**
- B. *What is the scriptural basis behind the position of R. Eliezer?*
- C. “And the Lord said to Moses in Midian, Go, return to Egypt for all the men are dead who sought your life” (Exo. 4:19). [Freedman: Moses had taken a vow to Jethro not to return to Egypt because of the men who sought his life, and now God absolved Moses of his vow on the grounds that they were dead.] *Now lo, death represents a new fact. That proves that a new fact serves a ground for releasing a vow.*
- D. *And as to rabbis, what is their theory of the matter?*

- E. *They take the view, “Did these men actually die? And said R. Yohanan in the name of R. Simeon b. Yohai, ‘In any passage in which there is a reference to quarreling or standing, the reference is only to Dathan and Abiram’ (Exo. 32:13, 5:20, Num. 16:27). Rather, said R. Simeon b. Laqish, ‘They had lost all their money.’”*

**II.2** A. Said R. Joshua b. Levi, “Anyone who has no children is regarded as a corpse: ‘Give me children or else I am dead’ (Gen. 30: 1).”

**II.3** A. *So, too, it has been taught on Tannaite authority:*

B. Four classifications of persons are equivalent to corpses, and these are they: the poor man, the blind man, the person afflicted with the skin disease [of Lev. 13], and the person who has no children.

C. “The poor man, as it is written: “for all the men are dead who sought your life” (Exo. 4:12). *Now who were they? This refers to Dathan and Abiram, and they were certainly not they dead, they had only lost all their money.*

D. The blind man, as it is written: “He has made me dwell in darkness as those that have been long dead” (Lam. 3: 6).

E. The person afflicted with the skin disease, as it is written: “Let her, I pray you, not be as one who is dead” (Num. 12:12).

F. And the person who has no children, as it is written: “Give me children or else I die” (Gen. 30: 1).

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

- B. **He who in the presence of his fellow takes a vow against deriving from his fellow – they release him from the vow only in the presence of the fellow. But if he vowed not in the presence of his fellow not to derive benefit from him, they release him from the vow either in his presence or not in his presence [T. Ned. 2:10E-H].**

**II.5** A. *What is the source of this rule?*

B. Said R. Nahman, ““And the Lord said to Moses in Midian, Go, return to Egypt for all the men are dead who sought your life’ (Exo. 4:19). This is what he said to him: ‘In Midian you took the vow for yourself, so go and release your vow in Midian.’”

C. [How do we know that he took the vow in Midian?] “And Moses was content to dwell with the men” (Exo. 2:21), and the root of the

word “content” bears the sense of “oath,” in the verse, “and has taken an oath with him” (Eze. 17:13).

- II.6**
- A. And also against King Nebuchadnezzar he rebelled, who had imposed on him an oath by the living God” (2Ch. 36:13):
  - B. *What was the nature of this rebellion of his?*
  - C. *Zedekiah came and found Nebuchadnezzar ripping the meat off a live hare and eating it.*
  - D. *He said to him, “Take an oath to me that you won’t tell on me,” and he took an oath to him.*
  - E. *In the end Zedekiah was upset about the matter and had his vow released and told the story.*
  - F. *Nebuchadnezzar heard that they were making fun of him, so he summoned the Sanhedrin and Zedekiah before him and said to them, “Have you seen what Zedekiah did? Didn’t he swear by the name of Heaven not to tell on me?”*
  - G. *They said to him, “He was relieved of his oath.”*
  - H. *“So can someone be released from an oath?”*
  - I. *“Yes.”*
  - J. *“In the presence of the other or not in the presence of the other?”*
  - K. *They said to him, “Only in the presence of the other.”*
  - L. *He said to them, “So as for you, how come you did what you did? Why didn’t you say this to Zedekiah of all people?!”*
  - M. Forthwith: “The elders of the daughter of Zion sit on the ground and keep silence”: (Lam. 2:10).
  - N. Said R. Isaac, “They removed the cushions on which they were sitting.”

### 9:3

- A. **R. Meir says, “There are things which appear to be equivalent to what happens unexpectedly but are not, in fact, treated as equivalent to what happens unexpectedly.**
- B. **And sages do not concur with him.**
- C. **How so?**

- D. [If] he said, “Qonam that I shall never marry So-and-so, for her father is evil,”
- E. [and] they told him, “He died,” or “He has repented” –
- F. [if he said], “Qonam be this house, that I shall not enter it, for there is a bad dog inside,” or “snake inside,”
- G. [and] they told him, “The dog died,” or “The snake was killed” –
- H. lo, these appear to be equivalent to that which happens unexpectedly, yet are not treated as equivalent to that which happens unexpectedly.
- I. And sages do not concur with him.

## I.1

- A. “Qonam be this house, that I shall not enter it, for there is a bad dog inside”:
- B. But if it died, it is a new fact!
- C. Said R. Huna, “It is treated as though he had made his vow conditional on that fact.”
- D. And R. Yohanan said, “*They told him*, ‘The dog had already died,’ ‘the man had already repented.’”
- E. **[65B]** *Objected R. Abba*, “ [If one said,] “Qonam if I marry that ugly Miss So-and-so,” and lo, she is beautiful, “...dark...,” and lo, she is light, “...short...,” and lo, she is tall, he is permitted [to marry] her, not because she was ugly and turned beautiful, dark and turned light, short and turned tall, but because the vow [to begin with] was based on erroneous facts. Now from R. Huna’s perspective, who has said, ‘It is treated as though he had made his vow conditional on that fact,’ the Tannaite authority presents an instance of a case in which someone has made his vow conditional on that fact. So the vow rests on an error. But from the perspective of R. Yohanan, who has said that the meaning is that ‘The dog had already died,’ ‘the man had already repented,’ why give two instances of vows made in error?”
- F. *That’s a valid question.*

## 9:4

- A. And further did R. Meir say, “They unloose his [vow] by reference to what is written in the Torah, saying to him,
- B. “‘If you had known that you would transgress the commandment, ‘You shall not take vengeance,’ or, ‘You shall not bear a grudge’ (Lev. 19:18), or, ‘You shall not hate your brother in your heart’ (Lev. 19:17), or, ‘You shall love your neighbor as yourself’ (Lev. 19:18), or ‘That your brother

may live with you' (Lev. 25:36), [would you have taken such a vow?] Now what happens if he becomes poor and you will be unable to help him out?"

- C. "And he says, 'If I had known that matters were thus, I should never have taken such a vow' –
- D. "lo, this [vow] is loosed."

- I.1** A. *Said R. Huna bar R. Qattina to Rabbah, "But he can reply, 'Every poor person is not my responsibility, and, as for what I owe in general, I can provide for him along with everyone else' [through contributions to community funds, which are not made directly for that individual]."*
- B. He said to him, "I say, 'he who becomes a burden on the community to begin with does not come into the domain of the philanthropic board [but rather, his own family, and the man's vow prevents him from helping as the Torah requires him to do]."

### 9:5

- A. They unloose a man's vow by reason of the wife's marriage contract.
- B. M'SH B: A certain man vowed not to derive benefit from his wife.
- C. And her marriage contract called for a payment of four hundred denars.
- D. And he came before R. Aqiba, who required him to pay off her marriage contract.
- E. He said to him, "Rabbi, my father left [an estate worth] eight hundred denars, and my brother received four hundred, and I four hundred. Is it not enough for her if she collects two hundred and I keep two hundred?"
- F. R. Aqiba said to him, "Even if you have to sell the hair of your head, you still have to pay off her marriage contract."
- G. He said to him, "Now if I had ever known that things were so, I should never have taken such a vow."
- H. And R. Aqiba declared the vow to be not binding.

- I.1** A. [Even if you have to sell the hair of your head, you still have to pay off her marriage contract:] *So are movables subject to a lien for the payment of the marriage settlement?*
- B. Said Abbaye, "It involved real estate worth eight hundred denars."

- C. *Yeah, well, what is says in so many words is “Even if you have to sell the hair of your head, you still have to pay off her marriage contract,” and the hair is in the classification of movables.*
- D. *This is the sense of the statement: Even if you have to sell the hair of your head so as to eat [you still have to give up all your real estate].*
- E. *Does this prove that the debtor’s means are not assessed [to find out whether he can make whole or part payment]?*
- F. Said R. Nahman b. R. Isaac, [66A] “What it means is that they don’t tear up the document of the marriage contract.” [The debtor must pay at some point, if not now.]

### 9:6

- A. They unloose [vows] by reference to festival days and Sabbaths.
- B. At first they said, “On those particular days [the vows] are not binding, but for all other days they are binding.”
- C. But then R. Aqiba came along and taught that the vow part of which is unloosed is wholly unloosed.

### 9:7

- A. How so?
- B. [If] he said, “Qonam be what I enjoy from any one of you” –
- C. [if] his vow with reference to any one of them was declared not binding, the vow with reference to all of them was declared not binding.
- D. [If he said, “Qonam] be what I enjoy from this one and from that one,”
- E. [if] the vow pertaining to the first was declared not binding, all of them are no longer subject to the vow.
- F. [If] the vow pertaining to the last one of them was declared not binding, the last one is permitted [to give benefit to the man] but the rest of them are prohibited.
- G. [If the vow] was declared not binding for one in the middle, from him and onward, it is not binding, but from him and backward, it is binding.
- H. [If he said,] “Let what I enjoy of this one’s be qorban, and of that one’s be qorban, “ they require an opening [absolution] for each and every one of them.

## 9:8

- A. [If he said,] “Qonam be wine, because it is bad for the belly”
- B. [and] they told him, “But isn’t old wine good for the belly?”
- C. he is permitted to drink old wine.
- D. And not old wine alone is permitted,
- E. but all wine [is permitted].
- F. [If he said,] “Qonam be an onion if I taste it, for onions are bad for the heart,”
- G. then Cyprus onions are permitted for him.
- H. And not Cyprus onions alone are permitted,
- I. but all onions [are permitted].
- J. There was a case along these lines, and R. Meir declared him permitted to eat all onions.

**I.1** A. [If] the vow pertaining to the last one of them was declared not binding, the last one is permitted [to give benefit to the man] but the rest of them are prohibited:

- B. *Who is the Tannaite authority behind that statement?*
- C. Said Raba, “It is R. Simeon, who has said, ‘...unless he declared to each one individually, “I swear.”’” [Cf. B. Shebu. 38A: *Our rabbis have taught on Tannaite authority*: “If one made a generalized claim, he is liable on only a single count. But if he made a particularized claim [‘you’ ‘and you’ ‘and you’], he is liable on each count,” the words of R. Meir. R. Judah says, “By an oath, I do not owe you, you, or you’ – he is liable on each count.” R. Eliezer says, “Not to you nor to you nor to you, by an oath’ – he is liable on each count.” R. Simeon says, “He is liable on each count only if he will say to each one individually, ‘By an oath.’”]

**II.1** A. [If he said,] “Qonam be wine, because it is bad for the belly” [and] they told him, “But isn’t old wine good for the belly?” he is permitted to drink old wine. And not old wine alone is permitted, but all wine [is permitted]:

- B. *But why not derive the conclusion from the fact that it is not injurious?*
- C. *Said R. Abba, “The formulation means, ‘moreover, it is beneficial.’”*



- III.1** A. [If he said,] “Qonam be an onion if I taste it, for onions are bad for the heart,” then Cyprus onions are permitted for him. And not Cyprus onions alone are permitted, but all onions [are permitted]:
- B. *But why not derive the conclusion from the fact that it is not injurious?*
- C. *Said R. Abba, “The formulation means, ‘moreover, it is beneficial.’”*

**9:9**

- A. They unloose a vow for a man by reference to his own honor and by reference to the honor of his children.
- B. They say to him, “Had you known that the next day they would say about you, ‘That’s the way of So-and-so, going around divorcing his wives,’
- C. “and that about your daughters they’d be saying, ‘They’re daughters of a divorcée! What did their mother do to get herself divorced’ [would you have taken a vow]?”
- D. And [if] he then said, “Had I known that things would be that way, I should never have taken such a vow,”
- E. lo, this [vow] is not binding.

**9:10**

- A. [If one said,] “Qonam if I marry that ugly Miss So-and-so,” and lo, she is beautiful,
- B. “...dark...,” and lo, she is light,
- C. “...short...,” and lo, she is tall,
- D. he is permitted [to marry] her,
- E. not because she was ugly and turned beautiful, dark and turned light, short and turned tall, but because the vow [to begin with] was based on erroneous facts.
- F. M’S H B: A certain man prohibited by vow that from the daughter of his sister he should derive benefit.
- G. And they brought her into the house of R. Ishmael and made her beautiful.
- H. Said to him R. Ishmael, “My son, did you ever take a vow about this lass?”
- I. He said to him, “Never!”
- J. And R. Ishmael declared his [vow] not binding.

- K. That moment R. Ishmael wept and said, “Israelite girls really are beautiful, but poverty makes them ugly.”
- L. And when R. Ishmael died, Israelite girls took up a lamentation, saying, “Israelite girls, weep over R. Ishmael.”
- M. And that is what [Scripture] says for Saul, “Israelite girls, weep for Saul who clothed you in scarlet delicately, who put ornaments of gold upon your apparel” (2Sa. 1:24).

- I.1**
- A. *Is the purpose of the cited case meant to contradict the rule that it is supposed to illustrate?*
  - B. *The formulation is flawed, and this is the correct version:*
  - C. R. Ishmael says, “Even if she was ugly and became beautiful, dark and turned light, short and grew tall. **M’S H B: A certain man prohibited by vow that from the daughter of his sister he should derive benefit. And they brought her into the house of R. Ishmael and made her beautiful. Said to him R. Ishmael, “My son, did you ever take a vow about this lass?” He said to him, “Never!” And R. Ishmael declared his [vow] not binding.**

- I.2**
- A. *A Tannaite statement:*
  - B. *She had a false tooth, and R. Ishmael made her one of gold that belonged to himself.*
  - C. *When R. Ishmael died, the eulogizer commenced with these words: “Israelite girls, weep over R. Ishmael...who clothed you in scarlet delicately, who put ornaments of gold upon your apparel.”*

- I.3**
- A. *There was someone who said to his wife, “Qonam that you do not derive benefit from me, until you give some of what you have cooked to R. Judah and to R. Simeon to taste.”*
  - B. *R. Judah tasted of it, saying, “It is an argument a fortiori! Now if in order to make peace between a man and his wife, the Torah has said, ‘My name, which is written in a state of sanctification, may be blotted out by water,’ how much the more so should I do so.”*
  - C. *R. Simeon didn’t taste it, saying, “Let all the widows’ children die, but let Simeon not be moved from his position. Furthermore, it is so that they won’t get used to taking vows.”*

- I.4**
- A. *There was someone who said to his wife, “Qonam that you do not derive benefit from me, until you spit at Rabban Simeon b. Gamaliel.”*
  - B. *She went and spit on his cloak.*

C. *Said R. Aha of Difti to Rabina, "But lo, he intended to insult him!"*

D. *He said to him, "Spitting on the cloak of Rabban Simeon b. Gamaliel is a great insult."*

### I.5

A. *There was someone who said to his wife, "Qonam that you do not derive benefit from me, until you show something beautiful in yourself to R. Ishmael b. R. Yosé."*

B. *He said to them, "Well, maybe she has a pretty head."*

C. *They said to him, "It's round."*

D. *"Maybe she has pretty hair?"*

E. *"It's like stalks of flax."*

F. *"Maybe she has pretty eyes?"*

G. *"They're bleary."*

H. *"Ears?"*

I. *"Like Dumbo's."*

J. *"Maybe she has a pretty nose?"*

K. *"Swollen."*

L. *"Lips?"*

M. *"Thick."*

N. *"Neck?"*

O. *"Squat."*

P. *"Figure?"*

Q. *"Protruding belly."*

R. *"Feet?"*

S. *"Like a duck's."*

T. *"Name?"*

U. *"Her name is 'Repulsive.'"*

V. *"What a beautifully appropriate name, Repulsive! She is repulsive because of her defects, and she has the right name," and he permitted her to her husband.*

### I.6

A. *Once a Babylonian came up to the Land of Israel and married a woman there. He said to her, "Boil me two cow's feet," and she boiled him two lentils. [Freedman: The Babylonian pronunciation of the word for cow's feet sounded to her like lentils.]*

B. *He got mad at her.*

C. *The next day he said to her, “Boil for me a large measure [of lentils], and she boiled for him something [which bore the same name as the word he used for ‘large measure.’]”*

D. *“Bring me two melons,” and she brought him two candles [which bore the same name].*

E. *“Go and break them on the head of the threshold [baba].”*

F. *Baba b. Buta was in session at the threshold, judging a case. She went and broke them on his head. He said to her, “What’s going on?”*

G. *She said to him, That’s what my husband told me to do.”*

H. *He said to her, “You have done what your husband wanted. May the Omnipresent bring forth from you two sons like Baba b. Buta.”*