

## XII

# THE STRUCTURE OF BABYLONIAN TALMUD NEDARIM

Whether or not the Talmud of Babylonia is carefully organized in large-scale, recurrent structures and guided by a program that we may call systematic forms the principal question addressed by an academic commentary. The preceding chapters therefore have pointed toward the presentation set forth here.

By “structure” I mean, a clearly-articulated pattern that governs the location of fully-spelled out statements. By “system,” I mean, a well-crafted and coherent set of ideas that explain the social order of the community addressed by the writers of a document, a social philosophy, a theory of the way of life, world view, and character of the social entity formed by a given social group. I see a collective, anonymous, and political document, such as the one before us, as a statement to, and about, the way in which people should organize their lives and govern their actions. At issue then in any document such as the remarkable one before us is simple: does this piece of writing present information or a program, facts to whom it may concern, or a philosophically and aesthetically cogent statement about how things should be?

The connection between structure and system is plain to see. From the way in which people consistently frame their thoughts, we move to the world that, in saying things one way rather than in some other, they wish to imagine the world in which they wish to live, to which they address these thoughts. For if the document exhibits structure and sets forth a system, then it is accessible to questions of rationality. We may ask about the statement that its framers or compilers wished to make by putting the document together as they did. But if we discern no structure and perceive no systematic inquiry or governing points of analysis, then all we find here is inert and miscellaneous information, facts but no propositions, arguments, viewpoints.

Now the Talmud commonly finds itself represented as lacking organization and exhibiting a certain episodic and notional character. That view moreover characterizes the reading and representation of the document by learned and experienced scholars, who have devoted their entire lives to Talmud study and exegesis. It must follow that upon the advocate of the contrary view — the one implicit in the representation of the document for academic analysis — rests the burden of proof. I set forth the allegation that the Talmud exhibits a structure and follows a system and therefore exhibits a commonly-intelligible rationality. The claim to write an academic commentary explicitly states that proposition. For the tractate before us, I have therefore to adduce evidence and argument.

I maintain that through the normal procedures of reasoned analysis we may discern in the tractate a well-crafted structure. I hold that the structure made manifest, we may further identify the purpose and perspective, the governing system of thought and argument, of those who collected and arranged the tractate's composites and put them together in the way in which we now have them. By "structure" I mean, how is a document organized? and by "system," what do the compilers of the document propose to accomplish in producing this complete, organized piece of writing? The answers to both questions derive from a simple outline of the tractate as a whole, underscoring the types of compositions and composites of which it is comprised. Such an outline tells us what is principal and what subordinate, and how each unit — composition formed into composites, composites formed into a complete statement — holds together and also fits with other units, fore and aft. The purpose of the outline then is to identify the character of each component of the whole, and to specify its purpose or statement. The former information permits us to describe the document's structure, the latter, its system.

While the idea of simply outlining a Talmud-tractate beginning to end may seem obvious, I have never made such an outline before, nor has anyone else. Yet, as we shall now see, the character of the outline dictates all further analytical initiatives. Specifically, when we follow the layout of the whole, we readily see the principles of organization that govern. These same guidelines on organizing discourse point also to the character of what is organized: complete units of thought, with a beginning, middle, and end, often made up of smaller, equally complete units of thought. The former we know as composites, the latter as compositions.

\*I have provided complete outlines for the Mishnah and for the Tosefta in relationship to the Mishnah, and, not always in outline form, for the Midrash-compilations of late antiquity as well.

Identifying and classifying the components of the tractate — the composites, the compositions of which they are made up — we see clearly how the document coheres: the plan and program worked out from beginning to end. When we define that plan and program, we identify the facts of a pattern that permit us to say in a specific and concrete way precisely what the compilers of the tractate intended to accomplish. The structure realizes the system, the program of analysis and thought that takes the form of the presentation we have before us. From what people do, meaning, the way in which they formulate their ideas and organized them into cogent statements, we discern what they proposed to do, meaning, the intellectual goals that they set for themselves.

These goals — the received document they wished to examine, the questions that they brought to that document — realized in the layout and construction of their writing, dictate the points of uniformity and persistence that throughout come to the surface. How people lay out their ideas guides us into what they wished to find out and set forth in their writing, and that constitutes the system that defined the work they set out to accomplish. We move from how people speak to the system that the mode of discourse means to express, in the theory that modes of speech or writing convey modes of thought and inquiry.

We move from the act of thought and its written result backward to the theory of thinking, which is, by definition, an act of social consequence. We therefore turn to the matter of intention that provokes reflection and produces a system of inquiry. That statement does not mean to imply I begin with the premise of order, which sustains the thesis of a prior

system that defines the order. To the contrary, the possibility of forming a coherent outline out of the data we have examined defines the first test of whether or not the document exhibits a structure and realizes a system. So everything depends upon the possibility of outlining the writing, from which all else flows. If we can see the order and demonstrate that the allegation of order rests on ample evidence, then we may proceed to describe the structure that gives expression to the order, and the system that the structure sustains.

The present work undertakes the exegesis of exegesis, for the Talmud of Babylonia, like its counterpart in the Land of Israel, is laid out as a commentary to the Mishnah. That obvious fact defined the character of my academic commentary, since we have already faced the reality that our Bavli-tractate is something other than a commentary, though it surely encompasses one. The problems that captured my attention derived from the deeper question of how people make connections and draw conclusions. To ask about how people make connections means that we identify a problem — otherwise we should not have to ask — and what precipitated the problem here has been how a composition or a composite fits into its context, when the context is defined by the tasks of Mishnah-commentary, and the composition or composite clearly does not comment on the Mishnah-passage that is subjected to comment.

The experience of analyzing the document with the question of cogency and coherence in mind therefore yields a simple recognition. Viewed whole, the tractate contains no gibberish but only completed units of thought, sentences formed into intelligible thought and self-contained in that we require no further information to understand those sentences, beginning to end. The tractate organizes these statements as commentary to the Mishnah. But large tracts of the writing do not comment on the Mishnah in the way in which other, still larger tracts do. Then how the former fit together with the latter frames the single most urgent question of structure and system that I can identify.

Since we have already examined enormous composites that find their cogency in an other than exegetical program, alongside composites that hold together by appeal to a common, prior, coherent statement — the Mishnah-sentences at hand — what justifies my insistence that an outline of the document, resting on the premise that we deal with a Mishnah-commentary, govern all further description? To begin with, the very possibility of outlining Babylonian Talmud tractate Nedarim derives from the simple fact that the framers have given to their document the form of a commentary to the Mishnah. It is in the structure of the Mishnah-tractate that they locate everything together that they wished to compile. We know that is the fact because the Mishnah-tractate defines the order of topics and the sequence of problems.

Relationships to the Mishnah are readily discerned; a paragraph stands at the head of a unit of thought; even without the full citation of the paragraph, we should find our way back to the Mishnah because at the head of numerous compositions, laid out in sequence one to the next, clauses of the Mishnah-paragraph are cited in so many words or alluded to in an unmistakable way. So without printing the entire Mishnah-paragraph at the head, we should know that the received code formed the fundamental structure because so many compositions cite and gloss sentences of the Mishnah-paragraph and are set forth in sequence dictated by the order of sentences of said Mishnah-paragraph. Internal evidence alone suffices, then, to demonstrate that the structure of the tractate rests upon the Mishnah-tractate cited and discussed here. Not only so, but the sentences of the Mishnah-

paragraphs of our tractate are discussed in no other place in the entire Talmud of Babylonia in the sequence and systematic exegetical framework in which they are set forth here; elsewhere we may find bits or pieces, but only here, the entirety of the tractate.

That statement requires one qualification, and that further leads us to the analytical task of our outline. While the entire Mishnah-tractate of Nedarim is cited in the Talmud, the framers of the Talmud by no means find themselves required to say something about every word, every sentence, every paragraph. On the contrary, they discuss only what they choose to discuss, and glide without comment by large stretches of the tractate. A process of selectivity, which requires description and analysis, has told the compilers of the Talmud's composites and the authors of its compositions\* what demands attention, and what does not. Our outline has therefore to signal not only what passage of the Mishnah-tractate is discussed, but also what is not discussed, and we require a general theory to explain the principles of selection ("making connections, drawing conclusions" meaning, to begin with, making selections). For that purpose, in the outline, I reproduce the entirety of a Mishnah-paragraph that stands at the head of a Talmudic composite, and I underscore those sentences that are addressed, so highlighting also those that are not.

\*This statement requires refinement. I do not know that all available compositions have been reproduced, and that the work of authors of compositions of Mishnah-exegesis intended for a talmud is fully exposed in the document as we have it. That is not only something we cannot demonstrate — we do not have compositions that were not used, only the ones that were — but something that we must regard as unlikely on the face of matters. All we may say is positive: the character of the compositions that address Mishnah-exegesis tells us about the concerns of the writers of those compositions, but we cannot claim to outline all of their concerns, on the one side, or to explain why they chose not to work on other Mishnah-sentences besides the ones treated here. But as to the program of the compositors, that is another matter: from the choices that they made (out of a corpus we cannot begin to imagine or invent for ourselves) we may describe with great accuracy the kinds of materials they wished to include and the shape and structure they set forth out of those materials. We know what they did, and that permits us to investigate why they did what they did. What we cannot know is what they did not do, or why they chose not to do what they did not do. People familiar with the character of speculation and criticism in Talmudic studies will understand why I have to spell out these rather commonplace observations. I lay out an argument based on evidence, not on the silences of evidence, or on the absence of evidence — that alone.

It follows that the same evidence that justifies identifying the Mishnah-tractate as the structure (therefore also the foundation of the system) of the Talmud-tractate before us also presents puzzles for considerable reflection. The exegesis of Mishnah-exegesis is only one of these. Another concerns the purpose of introducing into the document enormous compositions and composites that clearly hold together around a shared topic or proposition, e.g., my appendix on one theme or another, my elaborate footnote providing information that is not required but merely useful, and the like. My earlier characterization of composites as appendices and footnotes signalled the fact that the framers of the document chose a not-entirely satisfactory way of setting out the materials they wished to include here, for large components of the tractate do not contribute to Mishnah-exegesis in any way at all. If these intrusions of other-than-exegetical compositions were proportionately modest, or of topical composites negligible in size, we might dismiss them as appendages, not structural components that bear much of the weight of the edifice as a whole. Indeed, the language that I chose for identifying and defining these composites —

footnotes, appendices, and the like — bore the implication that what is not Mishnah-commentary also is extrinsic to the Talmud's structure and system.

But that language served only for the occasion. In fact, the outline before us will show that the compositions are large and ambitious, the composites formidable and defining. Any description of the tractate's structure that dismisses as mere accretions or intrusions so large a proportion of the whole misleads. Any notion that "footnotes" and "appendices" impede exposition and disrupt thought, contribute extraneous information or form tacked-on appendages — any such notion begs the question: then why fill up so much space with such purposeless information? The right way is to ask whether the document's topical composites play a role in the re-presentation of the Mishnah-tractate by the compilers of the Talmud. We have therefore to test two hypotheses:

**1.** the topical composites ("appendices," "footnotes") do belong and serve the compilers' purpose,

or

**2.** the topical composites do not participate in the re-presentation of the Mishnah-tractate by the Talmud and do not belong because they add nothing and change nothing.

The two hypotheses may be tested against the evidence framed in response to a single question: is this topical composite necessary? The answer to that question lies in our asking, what happens to the reading of the Mishnah-tractate in light of the topical composites that would not happen were we to read the same tractate without them? The outline that follows systematically raises that question, with results specified in due course. It suffices here to state the simple result of our reading of the tractate, start to finish: the question of structure, therefore also that of system, rests upon the position we identify for that massive component of the tractate that comprises not Mishnah-commentary but free-standing compositions and composites of compositions formed for a purpose other than Mishnah-commentary.

The principal rubrics are given in small caps. The outline takes as its principal rubrics two large-scale organizing principles.

The first is the divisions of the Mishnah-tractate to which the Talmud-tractate serves as a commentary. That simple fact validates the claim that the tractate exhibits a fully-articulated structure. But the outline must also underscore that the Mishnah-tractate provides both more and less than the paramount outline of the Talmud-tractate. It is more because sentences in the Mishnah-tractate are not analyzed at all. These untreated Mishnah-sentences are given in bold face lower case caps, like the rest of the Mishnah, but then are specified by underlining and enclosure in square brackets.

Second, it is less because the structure of the tractate accommodates large composites that address topics not defined by the Mishnah-tractate. That brings us to the second of the two large-scale modes of holding together both sustained analytical exercises and also large sets of compositions formed into cogent composites. These are treated also as major units and are indicated by Roman numerals, alongside the Mishnah-paragraphs themselves; they are also signified in small caps. But the principal rubrics that do not focus on Mishnah-commentary but on free-standing topics or propositions or problems are not given in boldface type. Consequently, for the purposes of a coherent outline we have to

identify as autonomous entries in our outline those important composites that treat themes or topics not contributed by the Mishnah-tractate.

## **I. Mishnah-Tractate Nedarim 1:1A-F**

**A. ALL EUPHEMISMS SUBSTITUTES FOR LANGUAGE USED TO EXPRESS (1) VOWS ARE EQUIVALENT TO VOWS, AND ALL EUPHEMISMS FOR (2) BANS (HEREM) ARE EQUIVALENT TO BANS, AND ALL EUPHEMISMS FOR (3) OATHS ARE EQUIVALENT TO OATHS, AND ALL EUPHEMISMS FOR (4) NAZIRITE VOWS ARE EQUIVALENT TO NAZIRITE VOWS.**

1. I:1: All euphemisms for language used to express (1) vows are equivalent to vows: How come the other clauses referring to bans, oaths, and vows are not articulated in Mishnah-tractate Nazir, while the presentation of Mishnah-tractate Nedarim covers them all? It is because rules on oaths and vows are written together in the Written Torah, at Num. 30: 3: “If someone vow a vow to the Lord or swear an oath”, so, therefore, the Tannaite formulation covers them both, and, since that is the case, the Tannaite formulation covers all of them.

2. I:2: While the Mishnah paragraph opens with reference to euphemisms of vows, All euphemisms substitutes for language used to express (1) vows are equivalent to vows, it then proceeds to spell out the laws of abbreviations of vows: He who says to his fellow euphemisms such as, (1) “I am forbidden by vow from you.” But, moreover, he has not said that abbreviations are binding!

a. I:3: And where in Scripture is there a reference to abbreviations?

I. I:4: Then how are Nazirite vows differentiated? Is it only because of the duplicated language cited above, to Nazirite vow, a vow of a Nazirite (Num. 6: 2)? But then there is duplicated language with reference to vows, namely, shall take a vow, vowing! So what need do I have for the verbal analogy just now spelled out?

A. I:5: Gloss of the foregoing composite.

B. I:6: As above.

**B. HE WHO SAYS TO HIS FELLOW EUPHEMISMS SUCH AS, (1) “I AM FORBIDDEN BY VOW FROM YOU,” (2) “I AM SEPARATED FROM YOU,” (3) “I AM DISTANCED FROM YOU,” “IF I EAT YOUR FOOD ,” OR “IF I TASTE YOUR FOOD,” IS BOUND BY SUCH A VOW.**

1. II:1: Said Samuel, “And in all cases, he must use the language, ‘in respect to anything that I might eat of yours or taste of yours.’”

a. II:2: May one then propose that Samuel takes the view, “Unexplicit abbreviations such as the language that is used and then spelled out, for example, ‘I am forbidden by a vow from you’ means, ‘I am not going to speak to you’; ‘I am separated from you by a vow’ means, ‘I am not going to do any business with you’; ‘I am removed from you’ means, ‘I am not going to stand within four cubits of you’ are null and take effect only if they are made explicit”?

**I. II:3:** It was stated: as to unexplicit abbreviations – Abbaye said, “They are valid.” Raba said, “They are not valid.”

**II. II:4:** R. Pappa asked the question: “Is an unexplicit abbreviation valid in the case of a betrothal, or is that not the case?”

**III. II:5:** R. Pappa asked the question: “Is an unexplicit abbreviation valid in the case of designating the corner of the field to be left to the poor, or is an unexplicit abbreviation not valid in the case of designating the corner of the field to be left to the poor?”

**IV. II:6:** Are unexplicit abbreviations valid in the case of pledges of charity or are abbreviations not valid in the case of pledges of charity?

**V. II:7:** Are unexplicit abbreviations valid in the case of declarations that property is ownerless or are abbreviations not valid in the case of declarations that property is ownerless?

**VI. II:8:** Rabina raised this question: “Are unexplicit abbreviations effective in regard to an outhouse where it is forbidden to say prayers or study the Torah or not?”

**C. HE WHO SAYS, “I AM EXCOMMUNICATED FROM YOU” – R. AQIBA IN THIS CASE DID INCLINE TO IMPOSE A STRINGENT RULING.**

**1. III:1:** Said Abbaye, “But R. Aqiba concedes that, in regard to a flogging, he is not flogged, for otherwise, the Mishnah should say, ‘in this case did R. Aqiba impose a stringent ruling.’” Said R. Pappa, “If the language used was, ‘I am isolated from you,’ all concur that he is forbidden. If he said, ‘I am accursed from you,’ all agree that he is permitted. What is subject to dispute? It is the language, ‘I am excommunicated from you.’” R. Aqiba holds that this is tantamount to ‘isolated,’ and rabbis, ‘accursed.’”

**2. III:2:** Said R. Ila said Rab, “If sages excommunicated someone in his presence, the ban can be released only in his presence; if it was in his absence, it can be released either in his presence or his absence.” Said R. Hanin said Rab, “If sages have excommunicated a person in his presence, they release the excommunication only in his presence. If they did so in his absence, they release the ban of excommunication whether in his presence or in his absence.”

**a. III:3:** Incident that proves first, he who hears the pronunciation of the Divine Name by another has to declare him excommunicated; second, if sages have excommunicated a person in his presence, they release the excommunication only in his presence; third, no span of time must intervene between an act of excommunication and its remission.

**3. III:4:** Said R. Giddal said Rab, “A disciple of a sage may excommunicate himself and release himself.”

**D. COMPOSITE OF SAYINGS BY R. GIDDAL-RAB ON THE GENERAL THEME OF PERSONAL ACTS OF PIETY**

1. III:5: Said R. Giddal said Rab, “How on the basis of Scripture do we know that people may take an oath that they will carry out a religious duty? ‘I have sworn, and I will perform it, that I will keep my religious judgments’ (Psa. 119:106).”
2. III:6: And said R. Giddal said Rab, “He who says, ‘I shall get up in the morning and repeat this chapter of the Mishnah, or repeat this tractate’ has taken a mighty vow to the God of Israel.”
3. III:7: Said R. Giddal said Rab, “He who says to another, ‘Let’s get up in the morning and repeat this chapter of the Mishnah, or repeat this tractate’ – it is the duty of the one who makes that statement to get up early: ‘and he said to me, arise, go forth to the plain, and there I will talk with you; then I arose and went forth to the plain, and behold, the glory of the Lord stood there’ (Eze. 3:22-23).”

#### **E. REVERSION TO THE EXPOSITION COMMENCING AT III:2.**

1. III:8: Said R. Joseph, “If in a dream sages declared him excommunicated, he requires ten men to release the ban.”
2. III:9: Said Rabina to R. Ashi, “If someone knew from a dream that someone had excommunicated him, can the person of whom he dreamt release the ban?”
  - a. III:10: A story that yields three conclusions: First, a husband’s serves as an agent to express his wife’s regret as to having taken a vow; second, it is not permitted to release a vow in the place where his master is located; third, if the required sages are assembled, it is all right.
3. III:11: Said R. Simeon bar Zebid said R. Isaac bar Tabela said R. Hiyya the Tall of the household of R. Aha said R. Zira said R. Eleazar said R. Hanina said R. Meyassa in the name of R. Judah bar Ilai, “What is the meaning of the verse of Scripture, ‘But to you who fear my name shall the sun of righteousness arise with healing in its wings’ (Mal. 3:20)? This refers to people who fear gratuitously to express the Name of Heaven.”
  - a. III:12: The exegesis of the same verse continues.

## **II. Mishnah-Tractate Nedarim 1:1G-I**

### **A. 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.**

1. I:1: But maybe the intent was to say, “Like the vows that the wicked take I am not taking a vow”?

### **B. HE WHO SAYS, “AS THE VOWS OF THE SUITABLE FOLK” HAS SAID NOTHING WHATSOEVER. “AS THEIR SUITABLE FOLKS’ FREEWILL-OFFERINGS” ...HE HAS MADE A BINDING VOW IN THE CASE OF A NAZIR OR IN THE CASE OF BRINGING AN OFFERING.**

1. II:1: Who is the Tannaite authority who distinguishes between a vow and a pledge of a freewill-offering? Might one say it is not in accord with R. Meir or with R. Judah? For it has been taught on Tannaite authority: “‘It is better not to vow than take a vow and not pay’ (Qoh. 5: 4) – best of all is not taking a vow at



all,” the words of R. Meir. R. Judah says, “Best of all is to vow and carry out the vow.” Thus neither authority distinguishes between a vow and a freewill-offering.

**a.** II:2: Expansion on the foregoing: Then what differentiates the case of the one who takes a vow “As the vows of the suitable folk”, that he is not subject to the same rule?

**b.** II:3: Continuation of the foregoing: But if you prefer, you may even maintain that R. Judah makes the distinction at hand. When R. Judah made his statement, it was with reference to a freewill-offering, but he made no such statement with regard to a vow.

**c.** II:4: Then what differentiates the case of the one who takes a vow “As the vows of the suitable folk”, that he is not subject to the same rule?

**I.** II:5: Secondary gloss of II:2: Said Abbayye, “Simeon the Righteous, R. Simeon, and R. Eleazar Haqqappar – all of them concur that the Nazirite is a sinner.”

### **III. Mishnah-Tractate Nedarim 1:2**

**A. HE WHO SAYS TO HIS FELLOW, “QONAM,” “QONAH,” “QONAS” – LO, THESE ARE EUPHEMISMS FOR THE QORBAN A VOW TO BRING A SACRIFICE, AND ARE VALID. HE WHO SAYS TO HIS FELLOW, “HEREQ,” “HEREKH,” “HEREF,” LO, THESE ARE EUPHEMISMS FOR A HEREM BAN. HE WHO SAYS TO HIS FELLOW, “NAZIQ,” “NAZIAH,” “PAZIAH” – LO, THESE ARE EUPHEMISMS FOR NAZIRITE VOWS. HE WHO SAYS, “SHEBUTAH,” “SHEQUQAH,”**

**1.** I:1: It has been stated: As to euphemisms – R. Yohanan said, “These represent foreign words.” R. Simeon b. Laqish said, “This is language that sages have invented for use in taking vows. And so Scripture says, ‘in the month which he had devised in his heart’ (1Ki. 12:33).”

**2.** I:2: How come rabbis made up euphemisms for vows such as Qonam?

**a.** I:3: May we say that at hand is a conflict among Tannaite rulings, namely: the House of Shammai say, “Euphemisms of euphemisms are binding.” And the House of Hillel say, “Euphemisms of euphemisms do not bind” (T. **Naz. 1:1A-B**). Is this not what is at issue between them, that the party that maintains euphemisms of euphemisms are binding takes the position that these represent foreign words. And the party that maintains euphemisms of euphemisms do not bind conceives that this is language that sages have invented for use in taking vows?

**I.** I:4: What exactly are euphemisms of euphemisms

**A.** I:5: Gloss of a detail of the foregoing.

**II.** I:6: What exactly are euphemisms of oaths?

**B. OR IF HE VOWED WITH THE WORD “MOHI,” LO, THESE ARE EUPHEMISMS FOR “SHEBUAH” OATH.**

1. II:1: It has been taught on Tannaite authority: Rabban Simeon b. Gamaliel says, “He who says, ‘by Mohi,’ has said nothing; ‘by Momta that Mohi said’ – lo, these are euphemisms for “shebuah” oath” (T. 1:2E).

#### IV. Mishnah-Tractate Nedarim 1:3

##### A. HE WHO SAYS, “NOT-UNCONSECRATED PRODUCE SHALL I NOT EAT WITH YOU,” “NOT-VALID FOOD,” AND, “NOT-PURE:”

1. I:1: Not-unconsecrated produce: They offered the theory, “What is the meaning of Not-unconsecrated? If it means, not-unconsecrated, then it should be an offering to which he has made reference, in using the double negative!” So in that case, who is the authority behind our Mishnah paragraph? It cannot be R. Meir, for he does not take the position that out of a “no,” you hear a “yes.” For we have learned in the Mishnah: R. Meir says, “Any condition which is not stated as is the condition of the sons of Gad and the sons of Reuben that is, in both negative and positive formulations, is no condition, since it says, ‘And Moses said to them, If the children of Gad and the children of Reuben will pass over’ (Num. 32:29). And it is written, ‘And if they will not pass over armed’ (Num. 32:20)” (M. **Qid. 3:4A-B**).

a. I:2: It has been taught on Tannaite authority: “...be unconsecrated food,” or “be the unconsecrated food,” or “be like unconsecrated food,” be what I might eat of yours” or “be what I might not eat of yours” – he is not bound by such a statement. If he said, “That which I may not eat of yours be not-unconsecrated food,” he is not bound by such a statement. Now in accord with whose theory is such a statement? You would suppose it is in accord with R. Meir, for he maintains that out of a “no,” you hear a “yes.”

##### B. “NOT-CLEAN FOR THE ALTAR,” OR “UNCLEAN,” OR “REMNANT,” OR “REFUSE” – IS BOUND:

1. II:1: R. Ammi bar Hamma raised the question: “If he said, ‘Lo, it is unto me like meat of a peace-offering after the sprinkling of the blood’ what is the rule?”

a. II:2: Gloss.

##### C. IF HE SAID, “MAY IT BE TO ME LIKE THE LAMB OF THE DAILY WHOLE-OFFERING,” “...LIKE THE TEMPLE SHEDS,” “...LIKE THE WOOD,” “...LIKE THE FIRE,” “...LIKE THE ALTAR,” “...LIKE THE SANCTUARY,” “...LIKE JERUSALEM” – IF HE VOWED BY THE NAME OF ONE OF ANY OF THE UTENSILS USED FOR THE ALTAR, EVEN THOUGH HE HAS NOT USED THE WORD QORBAN – LO, THIS ONE HAS VOWED IN AS BINDING A WAY AS IF HE HAD VOWED BY QORBAN. R. JUDAH SAYS, “HE WHO SAYS, ‘JERUSALEM,’ HAS SAID NOTHING.”

1. III:1: A Tannaite statement: If he said, “a lamb, for a lamb, as a lamb; sheds, for sheds, as sheds, wood, for wood, as wood; fire, for fire, as fire; the altar, for the altar, as the altar; the Temple, for the Temple, as the Temple; Jerusalem, for Jerusalem, as Jerusalem” – in all cases adding, “be anything that I eat with you,” he is bound; “be anything that I don’t eat with you,” he is permitted (T. **Ned. 1:3A-D**).

## **V. Mishnah-Tractate Nedarim 1:4A-H**

**A. HE WHO SAYS, “AN OFFERING BE WHAT I EAT WITH YOU,” “A WHOLE-OFFERING BE WHAT I EAT WITH YOU,” “A MEAL-OFFERING BE WHAT I EAT WITH YOU,” “A SIN-OFFERING BE WHAT I EAT WITH YOU,” “A THANK-OFFERING BE WHAT I EAT WITH YOU,” “PEACE-OFFERING BE WHAT I EAT WITH YOU” – HE IS BOUND = PROHIBITED FROM EATING WITH THE OTHER PARTY. R. JUDAH PERMITS DECLARES HIM NOT BOUND. IF HE SAYS, “MAY WHAT I EAT OF YOURS BE THE QORBAN,” “LIKE THE QORBAN BE WHAT I EAT WITH YOU,” “BY A QORBAN DO I VOW BE WHAT I EAT WITH YOU,” HE IS BOUND. IF HE SAYS, “FOR A QORBAN SHALL BE WHAT I EAT WITH YOU,” R. MEIR DECLARES HIM BOUND.**

1. I:1: If he says, “May what I eat of yours be the qorban,” “Like the qorban be what I eat with you,” “By a qorban do I vow be what I eat with you”: Since the Mishnah paragraph uses the language, “the qorban, as qorban, a qorban be what I eat of yours,” the unattributed rule accords with the principle of R. Meir, who finds no distinctions among the formulations, “a sheep” or “the sheep.”

## **VI. Mishnah-Tractate Nedarim 1:4I**

**A. HE WHO SAYS TO HIS FELLOW, “QONAM BE MY MOUTH WHICH SPEAKS WITH YOU,” OR “MY HAND WHICH WORKS WITH YOU,” OR “MY FOOT WHICH WALKS WITH YOU,” IS BOUND,**

1. I:1: By way of contradiction: A more strict rule applies to vows than to oaths in one regard, and to oaths than to vows in another regard. The more strict rule that pertains to vows is that vows take effect when they concern a religious duty as much as when they concern what is subject to choice, which is not the case for oaths. The more strict rule with regard to oaths is that oaths take effect on something of no substance as much as on something of substance, which is not the case of vows (T. **Ned. 1:5A-F**). The reference here, then, to talking, working, or walking, is to what is not substantial, so the vow should not be valid, but here it is.

## **VII. Mishnah-Tractate Nedarim 2:1A-M**

**A. AND THESE VOWS ARE NOT BINDING AT ALL: HE WHO SAYS, “MAY WHAT I EAT OF YOURS BE UNCONSECRATED FOOD,” “MAY WHAT I EAT OF YOURS BE LIKE PIG MEAT,” “MAY WHAT I EAT OF YOURS BE LIKE AN IDOL,” “MAY WHAT I EAT OF YOURS BE LIKE HIDES PIERCED AT THE HEART,” “MAY WHAT I EAT OF YOURS BE LIKE CARRION,” “MAY WHAT I EAT OF YOURS BE LIKE TEREFAH MEAT,” “MAY WHAT I EAT OF YOURS BE LIKE ABOMINATIONS,” “MAY WHAT I EAT OF YOURS BE LIKE CREEPING THINGS,” “MAY WHAT I EAT OF YOURS BE LIKE THE DOUGH-OFFERING OF AARON,” OR “MAY WHAT I EAT OF YOURS BE LIKE HIS HEAVE-OFFERING” –**

1. I:1: So the operative consideration is that he said, “May what I eat of yours be unconsecrated food.” But if he had said, “For unconsecrated food be what I might eat of yours,” then the implication would be, let it be not unconsecrated food but

an offering and hence forbidden. So who is the authority behind our unattributed rule? Surely not R. Meir, since he does not take the position that out of a “no,” you hear a “yes.” And it surely cannot be R. Judah, since, if it is, it is no different from the prior Mishnah paragraph. If he said, “May it be to me like the lamb of the daily whole-offering,” “...like the temple sheds,” “...like the wood,” “...like the fire,” “...like the altar,” “...like the sanctuary,” “...like Jerusalem” – if he vowed by the name of one of any of the utensils used for the altar, even though he has not used the word qorban – lo, this one has vowed in as binding a way as if he had vowed by qorban. R. Judah says, “He who says, ‘Jerusalem,’ has said nothing”!

#### **B. ...IT IS NOT BINDING.**

1. II:1: ...it is not binding: What is the source of this rule?

**C. HE WHO SAYS TO HIS WIFE, “LO, YOU ARE LIKE MOTHER TO ME” – THEY OPEN FOR HIM A DOOR FOR THE UNBINDING OF HIS OATH FROM SOME OTHER SOURCE, SO THAT HE MAY NOT BEHAVE LIGHTLY IN SUCH A MATTER.**

1. III:1: By contrast: “Lo, you are to me as the flesh of mother,” “...as the flesh of my sister,” “...as orlah fruit,” “...as mixed seeds in the vineyard” – he has said nothing at all and no absolution would be required. Said Abbaye, “...he has said nothing at all – so far as the law of the Torah is concerned, but he has to seek absolution by the law of the rabbis.” Raba said, “The one refers to a disciple of a sage, the other to an unlettered person.”

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

### **VIII. Mishnah-Tractate Nedarim 2:1N-P**

**A. HE WHO SAYS, “QONAM IF I SLEEP,” OR, “...IF I SPEAK,” OR, “...IF I WALK” –**

1. I:1: It has been stated: “Qonam be my eyes sleeping today, if I should sleep tomorrow” said R. Judah said Rab, “Let him not sleep today, lest he sleep tomorrow.” And R. Nahman said, “Let him sleep today, and we do not take account of the possibility that he may sleep tomorrow.” And R. Judah concedes in the case of one who says, “Qonam be my eyes in sleep tomorrow if I sleep today,” that he may sleep today. For someone may not be meticulous about a condition, but he is going meticulously to observe an actual prohibition.”

**B. HE WHO SAYS TO HIS WIFE, “QONAM IF I HAVE SEXUAL RELATIONS WITH YOU” – LO, THIS IS A CASE TO WHICH APPLIES THE LAW, “HE SHALL NOT BREAK HIS WORD” (NUM. 30: 2).**

1. II:1: But lo, how can such a vow be valid, since the Torah imposes upon him the obligation of having sexual relations with her, for it is written, “her food, her raiment, and her marriage rights he shall not diminish” (Exo. 21:10)!

### **IX. Mishnah-Tractate Nedarim 2:1Q-R, 2:2A-B**

**A. IF HE SAID, “BY AN OATH THAT I SHALL NOT SLEEP,” “THAT I SHALL NOT SPEAK,” “THAT I SHALL NOT WALK” – IT IS BINDING. HE WHO SAYS, “FOR**

**QORBAN I SHALL NOT EAT WITH YOU!” “QORBAN BE WHAT I EAT WITH YOU!”  
“NOT-QORBAN BE WHAT I DO NOT EAT WITH YOU!” – HE IS NOT BOUND.**

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

## **X. Mishnah-Tractate Nedarim 2:2C-D**

**A. “BY AN OATH, I SHALL NOT EAT WITH YOU!” “BY AN OATH, IF I SHALL EAT WITH YOU,” “NOT BY AN OATH I SHALL NOT EAT WITH YOU,” HE IS BOUND.**

1. I:1: Then it follows that if he used the language, “Oh, oath, that I eat of yours,” the sense is, “I won’t eat.” But by way of contrast: Oaths are of two sorts, which yield four subdivisions (M. **1:1A**). (1) “I swear I shall eat,” and (2) “...I shall not eat,” (3) “...that I ate,” and (4) “...that I didn’t eat” (M. **Shebu. 3:1A-C**). Now since the passage refers to the language, “...I shall not eat,” (3) “...that I ate,” and (4) “...that I didn’t eat,” that would surely suggest the language, “that I shall eat of yours,” bears the sense, “I will eat.”

## **XI. Mishnah-Tractate Nedarim 2:2E-K**

**A. THIS RULE IS THEREFORE MORE STRICT IN THE CASE OF OATHS THAN IN THE CASE OF VOWS.**

1. I:1: Then it would be implied that the vows are valid to begin with. But lo, the language that is used is, binding, not binding that is, valid or invalid

**B. BUT THERE IS A MORE STRICT RULE WHICH APPLIES TO VOWS THAN APPLIES TO OATHS. HOW SO? IF HE SAID, “QONAM BE THE SUKKAH HUT FOR THE FESTIVAL OF TABERNACLES WHICH I AM MAKING!” “THE LULAB WHICH I AM TAKING!” “THE TEFILLIN WHICH I AM LAYING ON” – IN THE CASE OF VOWS, IT IS BINDING. IN THE CASE OF OATHS, IT IS NOT BINDING. FOR AN OATH IS NOT TAKEN TO TRANSGRESS THE COMMANDMENTS OF THE TORAH.**

1. II:1: R. Kahana repeated: Said R. Giddal said Rab, and R. Tabyumi repeated, said R. Giddal said Samuel, “How on the basis of Scripture do we know that an oath is not taken to transgress the commandments of the Torah? Scripture states, ‘When a man...swear an oath...he shall not break his word’ (Num. 30: 3) – he may not break his word, but he must break a word an oath in regard to matters pertaining to Heaven when the subject of the vow is a divine obligation.”

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

## **XII. Mishnah-Tractate Nedarim 2:3**

**A. THERE IS A VOW WITHIN A VOW, BUT THERE IS NO OATH WITHIN AN OATH. HOW SO? IF HE SAID, “LO, I AM A NAZIR IF I EAT,” “LO, I AM A NAZIR IF I EAT,”**

**AND IF HE ATE, HE IS LIABLE FOR EACH SUCH STATEMENT AND OBSERVES TWO SPELLS OF NAZIRITESHIP.**

1. I:1: Said R. Huna, “The rule applies only if he said, ‘Behold, if I eat this loaf of bread, I will be a Nazirite today, behold if I eat this loaf of bread, I will be a Nazirite tomorrow.’ For, since he adds an extra day, one vow of Naziriteship takes effect while another is already in place. But if he said, ‘Behold, if I eat this loaf of bread, I will be a Nazirite today, behold if I eat this loaf of bread, I will be a Nazirite today,’ one vow of Naziriteship does not take effect where another is in place.” And Samuel said, “Even if he said, ‘Behold, if I eat this loaf of bread, I will be a Nazirite today, behold if I eat this loaf of bread, I will be a Nazirite today,’ the second vow to be a Nazirite takes effect.”

**B. IF HE SAID, “BY AN OATH I SHALL NOT EAT,” “BY AN OATH I SHALL NOT EAT,”AND HE ATE, HE IS LIABLE FOR ONE COUNT ONLY.**

1. II:1: Said Raba, “If he got remission for the first oath, the second takes effect in its stead. How so? Since the language is not used, it is only one oath, but rather, he is liable for one count only, there is no space for the second to impose a penalty, since the count on which he is guilty is the first oath. But if the first is remitted, then the second becomes binding.”

### **XIII. Mishnah-Tractate Nedarim 2:4**

**A. VOWS WHICH ARE NOT SPELLED OUT ARE SUBJECT TO A MORE STRINGENT RULE, AND VOWS WHICH ARE SPELLED OUT ARE SUBJECT TO A MORE LENIENT RULE. HOW SO? IF HE SAID, “LO, IT IS TO ME LIKE SALTED MEAT,” “LIKE WINE USED FOR IDOLATROUS WORSHIP,” IF HIS VOW REFERRED TO THINGS BELONGING TO HEAVEN, IT IS BINDING. IF IT IS OF THINGS BELONGING TO IDOLATRY THAT HE VOWED, IT IS NOT BINDING. BUT IF HE VOWED WITHOUT SPECIFICATION, IT IS BINDING. IF HE SAID, “LO, IT IS TO ME LIKE A DEVOTED THING,” IF HE SAID, “LIKE A THING DEVOTED TO HEAVEN,” IT IS BINDING. IF HE SAID, “LIKE A THING DEVOTED TO PRIESTS,” IT IS NOT BINDING. AND IF HE SAID IT WITHOUT FURTHER SPECIFICATION, IT IS BINDING. IF HE SAID, “LO, IT IS UNTO ME LIKE TITHE,” IF HE VOWED THAT IT WAS LIKE TITHE OF CATTLE, IT IS BINDING. IF IT WAS LIKE TITHE OF THE THRESHING FLOOR, IT IS NOT BINDING. AND IF HE SAID IT WITHOUT FURTHER SPECIFICATION, IT IS BINDING. “IF HE SAID, ‘LO, IT IS TO ME LIKE HEAVE-OFFERING,’ IF HE VOWED THAT IT WAS LIKE HEAVE-OFFERING OF THE CHAMBER OF THE TEMPLE, IT IS BINDING. AND IF IT WAS LIKE THAT OF THE THRESHING FLOOR, IT IS NOT BINDING. AND IF IT WAS WITHOUT FURTHER SPECIFICATION, IT IS BINDING,” THE WORDS OF R. MEIR.**

1. I:1: By contrast to the statement, Vows which are not spelled out are subject to a more stringent rule we have learned in the Mishnah: A matter of doubt concerning Naziriteship is subjected to a lenient ruling (M. **Toh. 4:12E**). Said R. Zira, “No problem, the one statement stands for R. Eliezer, the other, the view of rabbis, for it has been taught on Tannaite authority: He who consecrates all his beasts and his cattle – the koy a beast not clearly classified as cattle or wild beasts is included in the act of sanctification. R. Eliezer says, ‘He has not sanctified the koy.’ He who maintains that what is subject to doubt is covered among the man’s

chattels takes the view that the same is so in the case of the man himself Having subjected himself to an unspecified vow, his intention is that the most rigorous interpretation of his words shall apply. But he who holds that doubt does not extend to the chattels maintains that all the more so of the person of the man himself.”

a. I:2: Secondary analysis of the foregoing.

b. I:3: Continuation of the foregoing.

**B. R. JUDAH SAYS, “A STATEMENT REFERRING WITHOUT SPECIFICATION TO HEAVE-OFFERING MADE IN JUDAH IS BINDING. BUT IN GALILEE, IT IS NOT BINDING. FOR THE MEN OF GALILEE ARE NOT FAMILIAR WITH HEAVE-OFFERING BELONGING TO THE CHAMBER. STATEMENTS THAT SOMETHING IS DEVOTED, WITHOUT FURTHER SPECIFICATION, IN JUDAH ARE NOT BINDING, AND IN GALILEE THEY ARE BINDING. FOR THE GALILEANS ARE NOT FAMILIAR WITH THINGS DEVOTED TO THE PRIESTS.”**

1. II:1: Lo, if they were familiar with the matter, the vows would have been binding. It follows then that a case of doubt is resolved in favor of stringency. But then note what follows: Statements that something is devoted, without further specification, in Judah are not binding, and in Galilee they are binding. For the Galileans are not familiar with things devoted to the priests. Lo, if they were familiar with the matter, the vows would not have been binding. It follows then that a case of doubt is resolved in favor of leniency.

#### **XIV. Mishnah-Tractate Nedarim 2:5**

**A. IF ONE VOWED BY “HEREM,” BUT THEN HE SAID, “I VOWED ONLY CONCERNING THAT WHICH IS A HEREM A NET OF THE SEA,” OR IF HE VOWED BY “QORBAN,” BUT THEN HE SAID, “I VOWED ONLY CONCERNING QORBAN OFFERINGS TO KINGS,” IF HE SAID, “LO, ASMI MY BONE IS QORBAN,” AND EXPLAINED, “I VOWED ONLY CONCERNING THE ESEM BONE WHICH I PLACED BEFORE ME BY WHICH TO VOW,” IF HE SAID, “QONAM IS THAT BENEFIT WHICH MY WIFE DERIVES FROM ME,” AND HE SAID, “I VOWED ONLY CONCERNING MY FIRST WIFE, WHOM I HAVE ALREADY DIVORCED” – “IN ALL THESE CASES THEY DO NOT ACCEPT INQUIRY CONCERNING THEM. BUT IF THEY ACCEPT INQUIRY, THEY PUNISH AND TREAT THEM STRICTLY,” THE WORDS OF R. MEIR.**

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

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

**B. AND SAGES SAY, “THEY FIND AN OPENING FOR THEM IN SOME OTHER PLACE BY SOME PRETEXT. AND THEY INSTRUCT THEM THAT THEY NOT TREAT VOWS LIGHTLY.”**



1. II:1: A Tannaite statement: A person should under no circumstances regularly take vows, because in the end you will commit sacrilege in the matter of oaths; and do not spend a lot of time with an unlettered person, for in the end he will feed you food that is liable for the separation of tithes but not yet tithed; and in the end, do not spend a lot of time with a priest who is an unlettered person, for in the end he will feed you priestly rations. And don't spend a lot of time chatting with women, since in the end this will lead you to adultery.

#### C. TOPICAL APPENDIX IN THE MATTER OF ADULTERY

1. II:2: R. Aha b. R. Josiah says, "Whoever stares at women in the end will fall into transgression, and whoever stares at a woman's heel will have children who behave improperly."

2. II:3: It has been taught on Tannaite authority: "And Moses said to the people, do not fear, for God is come to prove you, that fear of him may be before your faces" (Exo. 20:17) – this refers to shamefacedness. "That you do not sin" (Exo. 20:17) – this teaches that shamefacedness leads to fear of sin. On this basis, sages have said, "A good trait of someone is that he should be somewhat bashful."

3. II:4: Said R. Yohanan b. Dehabai, "There are four matters that the ministering angels told me: "Children are born lame because the parents turned their table upside down having sex other than missionary style; ...dumb, because they practice cunnilingus; ...deaf, because they talk during sex; blind, because they stare at 'that place.'"

a. II:5: Gloss of the foregoing.

b. II:6: As above.

I. II:7: Illustrative case.

II. II:8: As above.

4. II:9: "And that you seek not after your own heart" (Num. 15:39): On this basis Rabbi said, "Someone should not drink from this cup while looking at another cup."

5. II:10: "And I will purge out from among you the rebels and those that transgress against me" (Eze. 20:38): Said R. Levi, "This refers to children in the following nine classifications: children born of a rape of a husband by a wife; rape; a wife one hates; a woman under a ban; a woman confused with some other; of strife, drunkenness during intercourse, a woman one has decided to divorce, children of promiscuity, and children of a brazen woman who demands sex."

### **XV. Mishnah-Tractate Nedarim 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. VOWS OF INCITEMENT: HOW SO? 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.**



**1. I:1:** 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**).”

**2. I:2:** 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?”

**3. I:3:** 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?!”

**a. I:4:** Case.

**b. I:5:** Case.

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

**5. I:7:** 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.).

**a. I:8:** Case.

**b. I:9:** Case.

**c. I:10:** Case.

**d. I:11:** Case.

**I. I:12:** Gloss.

**II. I:13:** As above.

## **B. TOPICAL COMPOSITE ON LOSING ONE’S TEMPER, DEEMED THE BASIS FOR TAKING VOWS**

**1. I:14:** 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.”

2. I:15: 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?”
3. I:16: 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).”
4. I:17: 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).”
5. I:18: 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).”

#### C. FURTHER DISCUSSION OF GROUNDS FOR ABSOLUTION, CONTINUING A

1. I:19: 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.”
  - a. I:20: Case.
  - b. I:21: Case.
2. I:22: 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.”
  - a. I:23: Case.
  - b. I:24: Case.
  - c. I:25: Case.
  - d. I:26: Case.

### XVI. Mishnah-Tractate Nedarim 3:1E

**A. 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.”**

1. I:1: 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!
  - a. I:2: Gloss.
2. I:3: Continuation of I:1: 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?”

## **XVII. Mishnah-Tractate Nedarim 3:2A-C**

**A. VOWS OF EXAGGERATION: IF HE SAID, “QONAM IF I DID NOT SEE WALKING ON THIS ROAD AS MANY AS WENT OUT OF EGYPT,” “**

1. I:1: A Tannaite statement: Vows of exaggeration are null, but oaths of exaggeration are binding.

**B. ...IF I DID NOT SEE A SNAKE AS BIG AS THE BEAM OF AN OLIVE PRESS.”**

1. II:1: But is such a thing not possible? Lo, in the time of King Shapur there was one that swallowed thirteen hides stuffed with straw.

## **XVIII. Mishnah-Tractate Nedarim 3:2D-J**

**A. VOWS MADE IN ERROR: “...IF I ATE,” OR “...IF I DRANK,” AND HE REMEMBERED THAT HE ATE OR DRANK; “...IF I SHALL EAT,” OR “...IF I SHALL DRINK” AND HE FORGOT AND ATE AND DRANK. 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.**

1. I:1: A Tannaite statement: Just as vows made in error are not binding, so oaths made in error are not binding.

**B. 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 – 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.”**

1. II:1: 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). 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.”’”

## **XIX. Mishnah-Tractate Nedarim 3:3**

**A. 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.**

1. I:1: 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.”

## **XX. Mishnah-Tractate Nedarim 3:4**

### **A. THEY TAKE A VOW TO...TAX COLLECTORS**

1. I:1: But didn’t Samuel say, “The law of the state is valid and Jews must obey it?”

**B. THAT PRODUCE IS HEAVE-OFFERING, EVEN THOUGH IT IS NOT HEAVE-OFFERING; THAT PROPERTY BELONGS TO THE STATE, EVEN THOUGH IT DOES NOT BELONG TO THE STATE.**

1. II:1: What does he say in the vow?

**C. 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.”**

1. III:1: 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.’”

## **XXI. Mishnah-Tractate Nedarim 3:5**

**A. HE WHO SAYS, “LO, THESE PLANTS ARE QORBAN, IF THEY ARE NOT CUT DOWN,””THIS CLOAK IS QORBAN IF IT IS NOT BURNED” – THEY ARE SUBJECT TO REDEMPTION.**

1. I:1: They are subject to redemption: Why not frame matters rather in the language, they are sanctified?

2. I:2: How did he frame the vow?

**B. “LO, THESE PLANTS ARE QORBAN UNTIL THEY ARE CUT DOWN,” “THIS CLOAK IS QORBAN UNTIL IT IS BURNED” – THEY ARE NOT SUBJECT TO REDEMPTION.**

1. II:1: Are they never subject to redemption? 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.” And Ulla said, “Once they are cut down, they are not to be again redeemed”

a. II:2: 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,’ 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.”

## **XXII. Mishnah-Tractate Nedarim 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. 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, FOR THOSE WHO GO DOWN TO THE SEA ARE PART OF THE GENERALITY OF THOSE WHO LIVE ON DRY LAND. 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.**

1. I:1: 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.

## **XXIII. Mishnah-Tractate Nedarim 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. FOR HE INTENDED TO SEPARATE HIMSELF ONLY FROM THE ONE WHOM THE SUN SEES.**

1. I:1: How come?

## **XXIV. Mishnah-Tractate Nedarim 3:8**

**A. HE WHO VOWS NOT TO ENJOY BENEFIT FROM BLACK HAIREN MEN IS PROHIBITED TO ENJOY BENEFIT FROM BALD PEOPLE AND FROM WHITE HAIREN PEOPLE.**

1. I:1: How come?

**B. BUT HE IS PERMITTED TO ENJOY BENEFIT FROM WOMEN AND CHILDREN, FOR ONLY MEN ARE CALLED BLACK HAIREN.**

1. II:1: How come?

## **XXV. Mishnah-Tractate Nedarim 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. 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 PERMITS HIM TO ENJOY BENEFIT ALSO FROM THOSE WHO ARE BORN.**

1. I:1: From R. Meir's perspective, if he is not forbidden from those who are born, then from whom is he forbidden?

2. I:2: 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. AND SAGES SAY, "THIS ONE INTENDED TO SEPARATE HIMSELF ONLY FROM ANYONE WHOSE NATURE IT IS TO BE BROUGHT FORTH LIVING CREATURES."**

1. II:1: To exclude what classification of things?

## **XXVI. Mishnah-Tractate Nedarim 3:10**

**A. 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. IF HE VOWED NOT TO ENJOY BENEFIT FROM GARLIC EATERS, HE IS FORBIDDEN TO DERIVE BENEFIT FROM ISRAELITES AND SAMARITANS. 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.**

1. I:1: 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.

## **XXVII. Mishnah-Tractate Nedarim 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.**

1. I:1: So are Israelites excluded from the category of the children of Noah?

## **XXVIII. Mishnah-Tractate Nedarim 3:11B**

**A. "...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.**

1. I:1: Well, what about the Ishmaelites who are left out here!

### **XXIX. Mishnah-Tractate Nedarim 3:11C-F**

**A. IF HE SAID, “QONAM IF I HAVE BENEFIT FROM ISRAELITES,” HE BUYS FOR MORE AND SELLS FOR LESS. “...IF ISRAELITES ENJOY BENEFIT FROM ME,” HE BUYS FOR LESS AND SELLS FOR MORE – (IF ANYONE WILL PAY ATTENTION TO HIM!) “...IF I DERIVE BENEFIT FROM THEM AND THEY FROM ME” – HE DERIVES BENEFIT FROM GENTILES.**

1. I:1: 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.” 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.

a. I:2: Case. 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.

### **XXX. Mishnah-Tractate Nedarim 3:11G-R**

**A. 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. “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. 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). AND IT SAYS, “THIS UNCIRCUMCISED PHILISTINE” (1SA. 17:36). AND IT SAYS, “LEST THE DAUGHTERS OF THE PHILISTINES REJOICE, LEST THE DAUGHTERS OF THE UNCIRCUMCISED TRIUMPH” (2SA. 1:20). 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.”**

**R. ISHMAEL SAYS, “GREAT IS CIRCUMCISION, FOR THIRTEEN COVENANTS ARE MADE THEREBY.” R. YOSÉ SAYS, “GREAT IS CIRCUMCISION, SINCE IT OVERRIDES THE PROHIBITIONS OF THE SABBATH, WHICH IS SUBJECT TO STRICT RULES.” R. JOSHUA B. QORHA SAYS, “GREAT IS CIRCUMCISION, FOR IT WAS NOT SUSPENDED EVEN FOR A MOMENT FOR THE SAKE OF MOSES, THE RIGHTEOUS.” 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.” 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). 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).”**

1. I:1: It has been taught on Tannaite authority: 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).”

2. I:2: 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.’ At that moment Moses wanted to kill them: ‘Cease from wrath and anger’ (Psa. 37: 8).”

3. I:3: It has been taught on Tannaite authority: 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).”

## **B. TOPICAL COMPOSITE ON ABRAHAM**

1. I:4: 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.”

2. I:5: “And he brought him forth outside” (Gen. 15: 5): 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.” He said to him, “Abandon this astrology of yours – Israel is not subject to astrology.”

3. I:6: 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).”

4. I:7: 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).”

5. I:8: 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).”

6. I:9: 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).”



7. I:10: 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).”

8. I:11: “He armed his dedicated servants born in his own house” (Gen. 14:14): Rab said, “He equipped them through the Torah.” And Samuel said, “He equipped them with gold.”

9. I:12: “Three hundred and eighteen”: Said R. Ammi bar Abba, “Eliezer was equal to all the rest of them.”

10. I:13: 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.”

11. I:14: And said R. Ammi bar Abba, “The numerical value of the word, Satan, is 364.”

12. I:15: 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.”

13. I:16: 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): ‘There is a little city’: this is the body; ‘With a few men in it’: These are the limbs; ‘And there came a great king against it and besieged it’: This refers to the urge to do evil; ‘And built great bulwarks against it’: This refers to sin; ‘Now there was found in it a poor wise man’: This refers to the urge to do good; ‘And he by his wisdom delivered the city’: This refers to repentance and good deeds; ‘And yet no man remembered that poor man’: For when the urge to do evil rules, no body remembers the urge to do good.”

a. I:17: Further on the same scriptural passage.

14. I:18: 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). Said Abraham to him, ‘Is the blessing of a servant to take priority over the blessing of the master?’ 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’ (Psa. 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.’

### **XXXI. Mishnah-Tractate Nedarim 4:1A-C**

**A. THERE IS NO DIFFERENCE BETWEEN HIM WHO FORBIDS HIMSELF BY VOW FROM ENJOYING ANY BENEFIT FROM HIS FELLOW AND HIM WHO IS FORBIDDEN BY VOW FROM DERIVING FOOD FROM HIM, EXCEPT FOR SETTING FOOT IN HIS THE FELLOW'S HOUSE AND USING HIS UTENSILS IN WHICH FOOD IS NOT PREPARED.**

1. I:1: Who is the Tannaite authority at hand?

**B. HE WHO IS FORBIDDEN BY VOW FROM DERIVING FOOD FROM HIS FELLOW – THE FELLOW SHOULD NOT LEND HIM A SIFTER, A SIEVE, A MILLSTONE, OR AN OVEN. BUT HE MAY LEND HIM A SHIRT, A RING, A CLOAK, EARRINGS, OR ANYTHING IN WHICH FOOD IS NOT PREPARED.**

1. II:1: But lo, he has taken an oath in regard to eating alone!

2. II:2: Said R. Pappa, “A sack used for carrying produce and an ass used for bringing it and even a mere wicker basket fall into the category of what leads to the enjoyment of food.” R. Pappa raised this question: “As to a horse on which to ride, or a ring in which to make an appearance, or as to passing over his land – what is the law?”

### **XXXII. Mishnah-Tractate Nedarim 4:1D**

**A. BUT IN A PLACE IN WHICH SUCH THINGS AS THESE ARE RENTED OUT FOR MONEY OR FOOD, IT IS FORBIDDEN TO DO SO**

1. I:1: It follows that the opening clause pertains even to such things that are not rented out. Then who is the authority behind this rule?

### **XXXIII. Mishnah-Tractate Nedarim 4:2**

**A. HE WHO IS PROHIBITED BY VOW FROM DERIVING BENEFIT FROM HIS FRIEND – HE THE FRIEND NONETHELESS (1) PAYS OUT HIS SHEQEL HALF-SHEQEL TAX TO THE TEMPLE, (2) PAYS BACK HIS DEBT,**

1. I:1: Therefore these gestures are classified as “an act equivalent to merely driving away a lion” and are permitted. So who is the authority behind this unattributed rule?

a. I:2: Gloss, providing information to which reference is made at I:1.

**B. AND (3) RETURNS TO HIM SOMETHING WHICH HE THE ONE WHO TOOK THE VOW HAS LOST. BUT IN A PLACE IN WHICH FOR THIS ACTION A REWARD IS PAID OUT, THE BENEFIT OF THE REWARD SHOULD FALL TO THE SANCTUARY.**

1. II:1: There was a dispute in this matter between R. Ammi and R. Assi. One said, “This rule applies only in a case in which the property of the one who restores the property is forbidden to the one who owns the property, so that if he returns it to him, he is returning what is his own the loser benefits not at all. But if the property of the loser is forbidden to the one who finds it, it is forbidden to the one who is supposed to return it, because he derives benefit from it thereby, in the theory that he is according benefit to him by the criterion of R. Joseph's penny” a

reference to the rule that, when a person is doing one religious duty, he is exempt from doing some other; here the finder is carrying out his religious duty and may decline to give a penny to a poor man, thus, Joseph's penny. And the other said, "Even if the finder may not benefit from the loser's property, he may return it, because, as to the theory of R. Joseph's penny, it is certainly not very common and need not be taken into consideration."

**2. II:2:** Said Raba, "If a loaf of bread that belonged to no one was lying before a person, and he said, 'This loaf of bread is declared sanctified,' and he then took it to eat it, he then has committed sacrilege in respect to the whole of the loaf of bread. But if he did so in order to leave it to his children, he has committed sacrilege only to the extent of the gratitude that they feel and from which he benefits."

**a. II:3:** Raba asked R. Nahman, "Does the consideration of sacrilege pertain to objects that have been declared qonam, or does it not pertain to such objects?"

**3. II:4:** Said R. Aha b. R. Avayya to R. Ashi, "If someone said, 'This loaf of bread of mine is forbidden to you,' and he gave it to him as a gift, who would be responsible for an act of sacrilege? Shall guilt be assigned to the one who gives the bread? But it is not forbidden to him? Should it involve the one who receives the bread? He can say, 'I wanted to accept what is permitted, not what is forbidden'!"

#### **XXXIV. Mishnah-Tractate Nedarim 4:3A-E**

##### **A. (2) AND HE OFFERS IN HIS BEHALF BIRD-OFFERINGS FOR (1) ZAB MEN OR (2) ZAB WOMEN, (3) BIRD-OFFERINGS FOR WOMEN WHO HAVE JUST GIVEN BIRTH, (4) SIN-OFFERINGS, AND (5) GUILT-OFFERINGS.**

**1. I:1:** And he offers in his behalf bird-offerings for (1) Zab men or (2) Zab women, (3) bird-offerings for women who have just given birth, (4) sin-offerings, and (5) guilt-offerings: The question was raised: Are the priests serving as the agents in behalf of us who present the offering, or are they the agents of Heaven which receives the offering?

**a. I:2:** Gloss of a detail introduced in the foregoing.

##### **B. (1) AND HE TAKES UP HIS HEAVE-OFFERING OR HIS TITHES WITH HIS PERMISSION.**

**1. II:1:** The question was raised: He who designates as priestly rations a portion of his crop in behalf of his neighbor's crop – does the action require the knowledge and consent of the other or is that not the case? Do we invoke the argument that since this represents an advantage to the other, the action does not require knowledge and consent? Or perhaps the religious duty belongs to the other, and he wants to do it himself?

**2. II:2:** R. Jeremiah raised this question of R. Zira, "He who designates as priestly rations a portion of his crop in behalf of his neighbor's crop – to whom does the value of the good will for such a gesture belong? If another paid him something to

give the priestly rations to a particular priest who was a friend of his, to whom does that thing belong? Do we invoke the argument, if it were not for the produce of this man, the stack of the other should not have been rendered fit for use through the valid separation of priestly rations in its behalf? Or perhaps if it were not for the produce of this party, the other party's produce would not be designated as priestly rations at all?"

**C. AND HE TEACHES HIM EXEGETICAL RULES, LAWS, AND STORIES. BUT HE DOES NOT TEACH HIM SCRIPTURE. BUT HE TEACHES HIS SONS AND DAUGHTERS SCRIPTURE.**

1. III:1: How come not Scripture? If it is because he thereby accords a benefit to him, well, then, teaching him exegetical rules and the like likewise accords a benefit to him!

2. III:2: We have learned in the Mishnah: And he teaches him exegetical rules, laws, and stories, but he does not teach him Scripture. Now that poses no problems to the one who has said, "The fee is for teaching the correct intonation of the words the melody, not the words themselves," for that explains why he should not teach him Scripture. But from the perspective of him who has said, "The fee is for baby-sitting for the children, not for teaching them," is an adult going to require a baby-sitter that such a consideration enters in at all?

**D. TOPICAL APPENDIX ON THE CORRECT WAY OF WRITING AND READING SCRIPTURE**

1. III:3: Said R. Isaac, "The correct text of Scripture deriving from the scribes, the embellishments of the letters deriving from the scribes, the words that are read in the text not as they are spelled out, the words that are spelled out but not read – all represent law revealed by God to Moses at Sinai."

2. III:4: Said R. Aha bar Ada, "In the West they divide up this verse into three: 'And the Lord said to Moses, Lo, I come to you in a thick cloud...' (Exo. 19: 9)."

3. III:5: Said R. Hama bar Hanina, "Moses got rich only out of the chips of the tablets: 'hew for yourself two tablets of stone like the first' (Exo. 34: 1) – the chips will belong to you."

4. III:6: Said R. Yosé bar Hanina, "The Torah was given only to Moses and his descendants: 'Write for yourself these words' (Exo. 34:27), and 'hew for yourself' (Exo. 34: 1). Just as the chips belong to you, so the writing belongs to you. Moses then acted in a generous spirit and gave it to Israel, and in his regard Scripture says, 'A generous person shall be blessed' (Pro. 22: 9)."

5. III:7: Said R. Yohanan, "The Holy One, blessed be He, brings his Presence to rest only on a person who is strong, wealthy, wise, and humble, and all of these derive from the example of Moses."

6. III:8: Said R. Yohanan, "All of the prophets were wealthy. How do we know it? From the cases of Moses, Samuel, Amos, and Jonah."

7. III:9: And said R. Yohanan, "To begin with, Moses studied the Torah but forgot it, until it was handed over to him as a gift: 'And he gave unto Moses, when he had made an ending of communing with him...two tablets of testimony' (Exo. 31:18)."

## XXXV. Mishnah-Tractate Nedarim 4:3F-L

**A. (4) AND HE TAKES CARE OF HIS WIFE AND CHILDREN, EVEN THOUGH HE WHO IS SUBJECT TO THE VOW IS LIABLE FOR THEIR CARE.**

1. I:1: And he takes care of his wife and children: Said R. Isaac bar Hananiah said R. Huna, “He who is forbidden by a vow from receiving a benefit from a third party nonetheless may marry off his daughter to him.”

2. I:2: Said R. Jacob, “He who imposes a vow on his son not to serve him, so that the son may study – the son is still permitted to fill a jug of water for him and to light a lamp for him.”

3. I:3: Said R. Jeremiah said R. Yohanan, “He who is forbidden by a vow not to derive benefit from his neighbor – the other may offer him a cup of peace.”

**B. (5) BUT HE SHOULD NOT TAKE CARE OF HIS DOMESTICATED ANIMAL, WHETHER UNCLEAN OR CLEAN. R. ELIEZER SAYS, “HE TAKES CARE OF THE UNCLEAN ONE, AND HE DOES NOT TAKE CARE OF THE CLEAN ONE.” THEY SAID TO HIM, “WHAT IS THE DIFFERENCE BETWEEN THE UNCLEAN ONE AND THE CLEAN ONE?” HE SAID TO THEM, “AS TO THE CLEAN ONE: ITS SOUL BELONGS TO HEAVEN, AND ITS BODY BELONGS TO HIM. BUT AS TO THE UNCLEAN ONE, ITS SOUL AND ITS BODY BELONG TO HEAVEN IT IS PROHIBITED TO HIM.” THEY SAID TO HIM, “ALSO THE UNCLEAN ONE: ITS SOUL BELONGS TO HEAVEN, BUT ITS BODY BELONGS TO HIM. FOR IF HE WANTS, LO, HE CAN SELL IT TO GENTILES OR FEED IT TO DOGS.”**

1. II:1: It has been taught on Tannaite authority: Joshua of Uzza says, “He may provide food for his Canaanite slave boys and slave girls but not his beasts, whether clean or unclean.”

## XXXVI. Mishnah-Tractate Nedarim 4:4A-C

**A. HE WHO IS PROHIBITED BY VOW FROM ENJOYING BENEFIT FROM HIM – HE THE FELLOW GOES IN TO VISIT HIM WHEN HE IS SICK, REMAINING STANDING BUT NOT SITTING DOWN.**

1. I:1: Remaining standing but not sitting down: With what situation do we deal? If it is a case in which the property of the visitor is forbidden to the one who is sick, then he may even sit down. And if it is a case in which the property of the sick man is forbidden to the visitor, then he may not even stand up!

2. I:2: Said R. Simeon b. Laqish, “Whence in Scripture do we find an allusion to the duty of visiting the sick? ‘If these men die the common death of all men, or if they be visited after the visitation of all men’ (Num. 16:29).”

**B. TOPICAL COMPOSITE ON THE MATTER OF KORACH AND HIS SECT**

1. I:3: Raba interpreted a verse of Scripture, “What is the meaning of what is written, ‘But if the Lord make a new thing and the earth open her mouth’ (Num. 16:30)? Said Moses before the Holy One, blessed be He, ‘If Gehenna has been created, well and good, and if not, let the Lord now create it.’”

2. I:4: Raba – and some say, R. Isaac – expounded, “What is the meaning of the verse, ‘The sun and the moon stood still in their zebul, at the light of your arrows they went’ (Hab. 3: 1)? What were they doing in zebul, seeing that they are set in the firmament, a lower heaven?”

#### C. REVERSION TO THE TOPIC OF VISITING THE SICK

1. I:5: It has been taught on Tannaite authority: As to visiting the sick, there is no fixed limit.

2. I:6: Said R. Aha bar Hanina, “Whoever visits the sick takes away a sixtieth of his illness.”

3. I:7: Story: R. Helbo fell sick. R. Kahana went and announced, “R. Helbo is sick.” Nobody came to see him.

4. I:8: When R. Dimi came, he said, “Anyone who visits the sick makes him live, and anyone who does not visit the sick makes him die.”

5. I:9: When Raba got sick, on the first day he would tell them not to tell anyone. From that point he would tell his servant, “Go out and tell people in the market, ‘Raba is sick. Whoever loves him should pray for mercy for him. And whoever hates him should rejoice over him.’”

6. I:10: Said Rab, “He who visits the sick is saved from judgment to Gehenna: ‘Blessed is he who considers the poor, the Lord will deliver him in the day of evil’ (Psa. 41: 2). ‘The poor’ refers to the ill: ‘He will cut me off from pining sickness’ (Isa. 38:12), or ‘Why are you so poorly, you son of the king’ (2Sa. 13: 4). ‘Evil’ refers only to Gehenna: ‘The Lord has made all things for himself, yes, even the wicked for the day of evil’ (Pro. 16: 4).”

a. I:11: Gloss of a detail of the foregoing.

7. I:12: Said R. Shisa b. R. Idi, “Someone should not visit the sick either during the first three hours of the day or during the last three hours of the day, so as not to forget to pray for him.

8. I:13: Said Rabin said Rab, “How on the basis of Scripture do we know that the Holy One, blessed be He, nourishes the sick? ‘The Lord will strengthen him upon the bed of languishing’ (Psa. 41: 4).”

a. I:14: Same authority, different subject.

b. I:15: Different tradent for Rab’s saying; different subject.

c. I:16: Continuation of the foregoing.

9. I:17: R. Alexandri in the name of R. Hiyya bar Abba, “A sick person does not recover from his ailment before all of his sins are forgiven: ‘Who forgives all your sins, who heals all your diseases’ (Psa. 103: 3).”

a. I:18: Story. R. Joseph fell sick. What he knew was taken from him. Abbaye brought it back to him.

b. I:19: Story. While Rabbi repeated his traditions of decided law thirteen times, he taught it to R. Hiyya only seven of them. Then he got sick. R. Hiyya restored to him the seven versions that he had taught him, but the other six perished.

12. I:20: R. Alexandri also said in the name of R. Hiyya bar Abba, “Greater is the miracle that is done for a sick person than the miracle that was done for Hananiah, Mishael, and Azariah. That of Hananiah, Mishael, and Azariah was fire made by man, which anybody can put out, but that of a sick person is fire made by Heaven, and who can put that out?”

13. I:21: R. Alexandri also said in the name of R. Hiyya bar Abba, and some say, said R. Joshua b. Levi, “When the end time of a person has come, everything conquers him: ‘And it will be that whosoever finds me will slay me’ (Gen. 4:14).”

14. I:22: They said to Rabbah bar Shila that a tall man died. He was riding a small mule, and when he came to a bridge, the mule shied and threw the man, and he was killed. To him Rabbah applied this verse: “They stand forth this day to receive your judgments, for all are your servants” (Psa. 119:91).

15. I:23: Samuel saw a scorpion carried across a river by a frog. Then it stung someone who died. He cited this verse: “They stand forth this day to receive your judgments, for all are your servants” (Psa. 119:91).

16. I:24: Samuel said, “They pay a visit only upon a sick person who is suffering a fever.”

17. I:25: Said Raba, “If fever were not the messenger of the angel of death, it would be healthy once every thirty days as thorns that surround a palm tree, and as an antidote to snake venom to the body.”

18. I:26: Said Rabbah b. Jonathan said R. Yehiel, “Arsan is good for the healing of the sick.”

19. I:27: Said R. Yohanan, “One ill with dysentery is not to be visited, and his name is not to be mentioned.”

#### **D. AND HE HEALS HIM HIMSELF BUT NOT WHAT BELONGS TO HIM.**

1. II:1: What is the meaning of this statement? Shall we say that, he heals him himself means, without collecting a fee, but but not what belongs to him means, collecting a fee? Then this is how the Tannaite formulation should be set forth: he may cure him without payment but not for a fee! Rather, this is the sense of the passage: And he heals him himself means, the man’s own person; but not what belongs to him means, his beast.

### **XXXVII. Mishnah-Tractate Nedarim 4:4D-I**

**A. HE WASHES WITH HIM IN A LARGE BATHTUB BUT NOT IN A SMALL ONE. HE SLEEPS WITH HIM IN THE SAME BED. R. JUDAH SAYS, “IN THE SUNNY SEASON DOES HE SHARE A BED BUT NOT IN THE RAINY SEASON, BECAUSE AT THAT TIME HE GIVES THE OTHER THE BENEFIT OF THE WARMTH OF HIS BODY.” AND HE SITS WITH HIM ON THE SAME COUCH, AND EATS WITH HIM AT THE SAME TABLE BUT NOT FROM THE SAME BOWL. BUT HE EATS WITH HIM FROM THE SAME BOWL WHICH IS PASSED AROUND.**

1. I:1: It has been taught on Tannaite authority: “He may not take a bath together with him in the same tub or sleep with him in the same bed, whether big or little,” the words of R. Meir. R. Judah says, “He may sleep with him in a big bed in

winter and a small one in summer. He may bathe with him in a big tub, and he may take a sauna with him even in a small tub. He may recline on a couch with him and eat at the same table, but not out of the same dish. But he may eat out of the same bowl that is passed around” (T. 2:7K-M).

### **XXXVIII. Mishnah-Tractate Nedarim 4:4J-L**

**A. HE MAY NOT EAT WITH HIM FROM THE SAME FEEDING BOWL THAT IS SET BEFORE WORKERS. “AND HE MAY NOT WORK WITH HIM IN THE SAME FURROW,” THE WORDS OF R. MEIR. AND SAGES SAY, “HE WORKS WITH HIM BUT AT A DISTANCE.”**

1. I:1: There is no dispute concerning their not working near each other. Where there is a difference, it concerns working far from one another. R. Meir takes the view that we make a precautionary decree against working at a distance on account of the possibility that they may work nearby, since he would soften the ground before him; and rabbis take the view that we do not make a precautionary decree.

### **XXXIX. Mishnah-Tractate Nedarim 4:5**

**A. HE WHO IS FORBIDDEN BY VOW FROM ENJOYING BENEFIT FROM HIS FELLOW, IF THIS WAS BEFORE THE SEVENTH YEAR, HE MAY NOT GO DOWN INTO HIS FIELD, AND HE MAY NOT EAT PRODUCE THAT HANGS OVER FROM THE PROPERTY OF THE OTHER. BUT IF THIS WAS IN THE SEVENTH YEAR WHEN ALL PRODUCE IS DEEMED OWNERLESS AND FREE FOR ALL, WHILE HE MAY NOT GO DOWN INTO HIS FIELD, HE MAY EAT THE PRODUCE THAT HANGS OVER FROM THE PROPERTY OF THE OTHER. IF HE VOWED THAT HE WOULD NOT DERIVE FOOD FROM HIM, IF THIS WAS BEFORE THE SEVENTH YEAR, HE GOES DOWN INTO HIS FIELD BUT DOES NOT EAT THE PRODUCE.**

1. I:1: Both Rab and Samuel say, “If he said, ‘This property is forbidden to you by a vow,’ if this was prior to the Seventh Year, he may not go down into his field and he may not eat what is hanging over even though the Seventh Year arrives; and if he took the view in the Seventh Year, while he may not go down into his field, he may eat what hangs over.” Both R. Yohanan and R. Simeon b. Laqish say, “If he said, ‘This property is forbidden to you by a vow,’ if this was prior to the Seventh Year, he may not go down into his field and he may not eat what is hanging over. When the Seventh Year arrives, while he may not go down into his field, he may eat what hangs over.”

**B. AND IF THIS WAS IN THE SEVENTH YEAR, HE GOES DOWN INTO THE FIELD AND EATS THE PRODUCE.**

1. II:1: How come he may eat the overhanging fruit? Is it because they are ownerless? But the land itself too is ownerless!



## **XL. Mishnah-Tractate Nedarim 4:6A-D**

**A. HE WHO IS FORBIDDEN BY A VOW FROM DERIVING BENEFIT FROM HIS FELLOW – SHOULD NOT LEND HIM HIS FELLOW ANYTHING, NOR SHOULD THE ONE WHO TOOK THE VOW BORROW ANYTHING FROM HIM. HE SHOULD NOT LEND HIM MONEY NOR SHOULD HE BORROW MONEY FROM HIM. HE SHOULD NOT SELL HIM ANYTHING, NOR SHOULD HE BUY ANYTHING FROM HIM.**

1. I:1: There is no problem understanding why he should not lend him his fellow anything, for thereby he accords him a benefit. But why is it the rule, nor should the one who took the vow borrow anything from him? What benefit does he thereby confer upon him? And likewise, there is no problem understanding why He should not lend him money nor should he borrow money from him, for thereby he accords him a benefit. But why is it the rule, He should not sell him anything, nor should he buy anything from him? What benefit does he confer upon him?

## **XLI. Mishnah-Tractate Nedarim 4:6E-I, 4:7, 4:8**

**A. IF HE SAID TO HIM, “LEND ME YOUR COW,” AND HE SAID TO HIM, “IT IS NOT AVAILABLE,” AND HE SAID TO HIM, “QONAM BE MY FIELD IF I EVER AGAIN PLOUGH MY FIELD WITH IT THE COW” – IF HE HIMSELF USUALLY PLOUGHED, WHILE HE IS PROHIBITED, EVERYONE ELSE IS PERMITTED TO PLOUGH HIS FIELD WITH THAT COW. IF HE DID NOT USUALLY PLOUGH HIS OWN FIELD, THEN HE AND EVERYONE ELSE IN THE WORLD ARE PROHIBITED FROM PLOUGHING THE FIELD WITH THAT COW.**

**HE WHO IS FORBIDDEN BY VOW FROM DERIVING BENEFIT FROM HIS FELLOW AND HAS NOTHING TO EAT – HE THE FELLOW GOES TO A STOREKEEPER AND SAYS, “MR. SO-AND-SO IS FORBIDDEN BY VOW FROM DERIVING BENEFIT FROM ME, AND I DON’T KNOW WHAT I CAN DO ABOUT IT.” AND HE THE STOREKEEPER GIVES FOOD TO HIM WHO TOOK THE VOW AND THEN GOES AND COLLECTS FROM THIS ONE AGAINST WHOM THE VOW WAS TAKEN. IF HE AGAINST WHOM THE VOW WAS TAKEN HAD TO BUILD HIS HOUSE THAT OF THE ONE PROHIBITED BY VOW FROM DERIVING BENEFIT, OR TO SET UP HIS FENCE, OR TO CUT THE GRAIN IN HIS FIELD, HE THE FELLOW GOES TO THE WORKERS AND SAYS TO THEM, “MR. SO-AND-SO IS FORBIDDEN BY VOW FROM DERIVING BENEFIT FROM ME, AND I DON’T KNOW WHAT I CAN DO ABOUT IT.” THEN THEY THE WORKERS DO THE WORK WITH HIM WHO TOOK THE VOW AND COME AND COLLECT THEIR SALARY FROM THIS ONE AGAINST WHOM THE VOW WAS TAKEN.**

**IF THEY WERE GOING ON A JOURNEY AND HE WHO HAD FORBIDDEN HIMSELF BY A VOW FROM DERIVING BENEFIT FROM HIS FELLOW HAD NOTHING TO EAT, HE AGAINST WHOM THE VOW WAS TAKEN GIVES SOMETHING TO ANOTHER AS A GIFT, AND THE OTHER WHO TOOK THE VOW IS PERMITTED TO MAKE USE OF IT.**

**IF THERE IS NO ONE ELSE WITH THEM, HE AGAINST WHOM THE VOW WAS TAKEN LEAVES IT ON A ROCK OR ON A FENCE AND SAYS, “LO, THESE THINGS ARE OWNERLESS PROPERTY FOR ANYONE WHO WANTS THEM.” THEN THE OTHER WHO**

**IS PROHIBITED BY VOW FROM DERIVING BENEFIT FROM HIS FELLOW TAKES WHAT HE WANTS AND EATS IT. AND R. YOSÉ PROHIBITS SUCH A PROCEDURE.**

1. I:1: And R. Yosé prohibits such a procedure: Said R. Yohanan, “What is the operative consideration behind the ruling of R. Yosé? He takes the view that that which is declared ownerless property falls into the classification of that which is a gift. Just as a gift is valid only when it will have passed from the domain of the donor to the domain of the donee, so the act of declaration that a property is ownerless is valid only after the object has passed into the domain of the one who acquires it.”

2. I:2: It has been taught on Tannaite authority: One who renounces ownership of his field, within two or three days he may retract his declaration and the field remains in his possession. If he said, “I hereby declare my field ownerless for one day, for one week, for one month, for one year, for one Sabbatical Cycle – before the field is claimed, either by himself or another, he may retract his declaration and the field remains in his possession. Once the field is claimed, either by himself or another, he may not retract his declaration and the field is considered to have been appropriated while ownerless, regardless of the claimant (T. Maaserot 3:11). May we then say that the opening clause accords with rabbis, the concluding one with R. Yosé? Since he cannot retract after three days even though no person has taken possession, the act of renunciation is valid even before another party has taken over, which is sages’ view that the one who takes the oath can declare his property ownerless, and the one against whom the oath is taken may acquire it with its being regarded as passing directly from the one to the other. The second clause, permitting retraction so long as no one has taken possession, shows that until then it is legally his and that accords with Yosé that the one who takes the oath cannot declare his property ownerless for the one against whom the oath is taken to be able to acquire it.

**XLII. Mishnah-Tractate Nedarim 5:1-3**

**A. PARTNERS WHO PROHIBITED THEMSELVES BY VOW FROM DERIVING BENEFIT FROM ONE ANOTHER ARE PROHIBITED FROM ENTERING THE COMMON COURTYARD OWNERSHIP OF WHICH THEY SHARE. R. ELIEZER B. JACOB SAYS, “THIS ONE ENTERS THE PART WHICH IS HIS, AND THAT ONE ENTERS THE PART WHICH IS HIS.” AND BOTH OF THEM ARE PROHIBITED FROM SETTING UP A MILLSTONE AND OVEN THERE, OR FROM RAISING CHICKENS IF ONE OF THEM WAS PROHIBITED BY VOW FROM DERIVING BENEFIT FROM HIS FELLOW, HE SHOULD NOT ENTER INTO THE COMMON COURTYARD. R. ELIEZER B. JACOB SAYS, “HE CAN SAY TO HIM, ‘INTO THE PART WHICH IS MINE I ENTER, BUT I DO NOT ENTER INTO THE PART WHICH IS YOURS.’” AND THEY FORCE THE ONE WHO HAS TAKEN THE VOW TO SELL HIS SHARE TO THE OTHER.**

1. I:1: Partners who prohibited themselves by vow from deriving benefit from one another are prohibited from entering the common courtyard ownership of which they share. R. Eliezer b. Jacob says, “This one enters the part which is his, and that one enters the part which is his”: The question was raised: “Clearly, the dispute concerns a case in which each has taken a vow covering himself. But if

this one imposed a vow on that one and vice versa, what is the rule? In such a case do rabbis concur with R. Eliezer b. Jacob that they are prohibited under duress? If they voluntarily take the oath, each renounces his share that is inseparable from the partner's. But when each forbids the other, perhaps neither can prohibit that which the other enjoys as of right. Or perhaps the dispute of rabbis covers even a case in which this one imposed a vow on that one and vice versa?"

2. I:2: Said Rabbah said Zeiri, "The dispute concerns a court large enough to be subject to division, but if the courtyard is not large enough to be divided, all parties concur that they are permitted each being deemed owner of the whole."

**B. IF A THIRD PARTY "SOMEONE FROM THE MARKET" WAS PROHIBITED BY VOW FROM DERIVING BENEFIT FROM ONE OF THEM, HE SHOULD NOT ENTER INTO THE COMMON COURTYARD. R. ELIEZER B. JACOB SAYS, "HE CAN SAY TO HIM, 'INTO THE PART WHICH BELONGS TO YOUR FELLOW I ENTER, BUT I DO NOT ENTER INTO YOUR PART.'"**

**HE WHO IS PROHIBITED BY VOW FROM DERIVING BENEFIT FROM HIS FELLOW, AND THE FELLOW HAS A BATHHOUSE OR AN OLIVE PRESS IN TOWN WHICH IS HIRED OUT TO OTHER PEOPLE – IF HE THE FELLOW HAS RIGHTS THEREIN, IT THE BATHHOUSE OR OLIVE PRESS IS PROHIBITED TO THE OTHER. IF HE HAS NO RIGHTS THEREIN, HE THE OTHER IS PERMITTED.**

1. II:1: How large a proportion of rights therein is contemplated?

**C. HE WHO SAYS TO HIS FELLOW, "QONAM IF I ENTER YOUR HOUSE," OR "...IF I BUY YOUR FIELD," IF THE OTHER PARTY DIED OR SOLD THEM TO A THIRD PARTY, HE THE ONE WHO TOOK THE VOW, NOW IS PERMITTED TO ENTER THE HOUSE OR THE FIELD. IF HE SAID, "QONAM IF I ENTER THIS HOUSE" OR "...IF I PURCHASE THIS FIELD" – IF THE OTHER PARTY DIED OR SOLD IT TO A THIRD PARTY, IT IS NONETHELESS FORBIDDEN.**

1. III:1: Abimi raised this question: "If he said, 'Qonam be this house if you enter this house,' and then he died or sold it to a third party, what is the law? Is it the fact that a person has the power to prohibit something that falls within his domain even for the time after it leaves his domain? Or is that not the case?"

2. III:2: There we have learned: He who says, "Qonam be these pieces of fruit for me," "They are qonam for my mouth," "They are Qonam to my mouth" – he is prohibited from eating whatever he may exchange for those pieces of fruit and whatever grows from them, too (M. 7:6A-B). R. Ammi bar Hama raised this question: "If he said, 'Qonam be these pieces of fruit to So-and-so,' what is the law as to things given in exchange for them? Do we take the view that with respect to oneself, since someone can impose a prohibition on himself even with regard to what belongs to someone else, he also can forbid for himself what does not yet exist, while, for a third party, since one cannot impose a prohibition of someone else's produce on a third party, he also cannot forbid for him what does not yet exist? Or perhaps since what is exchanged for something is in the classification of what grows from something, there is no such distinction to be drawn between what pertains to him and what pertains to a third party?"

### **XLIII. Mishnah-Tractate Nedarim 5:4-5**

**A. IF ONE SAID TO HIS FELLOW, “LO, I AM HEREM UNTO YOU,” THE ONE AGAINST WHOM THE VOW IS MADE IS PROHIBITED FROM USING WHAT BELONGS TO THE OTHER, WHO MADE THE VOW.” IF HE SAID, “LO, YOU ARE HEREM UNTO ME,” THE ONE WHO TAKES THE VOW IS PROHIBITED FROM BENEFITTING FROM THE OTHER – IF HE SAID, “LO, I AM UNTO YOU AND YOU ARE UNTO ME HEREM,” BOTH OF THEM ARE PROHIBITED. BUT BOTH OF THEM ARE PERMITTED TO MAKE USE OF PROPERTY BELONGING TO THE IMMIGRANTS FROM BABYLONIA , WHICH IS DEEMED OWNERLESS. AND THEY ARE FORBIDDEN TO MAKE USE OF PROPERTY BELONGING TO THAT TOWN WHICH EACH CITIZEN OWNS JOINTLY WITH ALL OTHERS. WHAT IS SOMETHING WHICH BELONGS TO THE IMMIGRANTS FROM BABYLONIA? FOR EXAMPLE, THE TEMPLE MOUNT AND COURTYARDS, AND THE WELL WHICH IS IN THE MIDDLE OF THE WAY. AND WHAT ARE THINGS WHICH BELONG TO THAT TOWN? FOR EXAMPLE, THE TOWN SQUARE, THE BATHHOUSE, THE SYNAGOGUE, THE ARK, AND THE SCROLLS.**

**AND HE WHO WRITES OVER HIS SHARE TO THE PATRIARCH OF THE COURT ALLOWS THE FELLOW, PROHIBITED BY VOW, TO DERIVE BENEFIT FROM THOSE THINGS WHICH ARE DEEMED TO BE HELD JOINTLY BY THE TOWN’S CITIZENS.**

**1. I:1: And he who writes over his share to the patriarch of the court: Why is he forbidden? That is, if the one who takes an oath assigns his portion to the patriarch, why is the one against whom the vow is taken still forbidden?**

**B. R. JUDAH SAYS, “ALL THE SAME IS THE ONE WHO WRITES OVER HIS SHARE TO THE PATRIARCH AND THE ONE WHO WRITES OVER HIS SHARE TO AN ORDINARY PERSON. WHAT IS THE DIFFERENCE BETWEEN HIM WHO WRITES OVER HIS SHARE TO THE PATRIARCH AND THE ONE WHO WRITES OVER HIS SHARE TO AN ORDINARY PERSON? FOR: THE ONE WHO WRITES OVER HIS SHARE TO THE PATRIARCH DOES NOT HAVE TO GRANT HIM TITLE. AND SAGES SAY, “ALL THE SAME ARE THIS ONE AND THAT ONE. THEY HAVE TO GRANT TITLE THEY REFERRED TO THE PATRIARCH ONLY BECAUSE THEY SPOKE OF PREVAILING CONDITIONS.” R. JUDAH SAYS, “THE GALILEANS DO NOT HAVE TO WRITE THEIR SHARE OVER TO THE PATRIARCH. FOR THEIR FOREFATHERS ALREADY HAVE WRITTEN OVER THEIR SHARE IN THEIR BEHALF.”**

**1. II:1: It has been taught on Tannaite authority: R. Judah says, “The Galileans were contentious and would take vows against deriving benefit from one another. So their ancestors went and wrote over their shares in public property to the patriarch.**

### **XLIV. Mishnah-Tractate Nedarim 5:6**

**A. HE WHO IS FORBIDDEN BY VOW FROM DERIVING BENEFIT FROM HIS FELLOW AND WHO HAS NOTHING TO EAT – THE FELLOW GIVES IT FOOD TO SOMEONE ELSE AS A GIFT, AND THIS ONE PROHIBITED BY VOW IS PERMITTED TO MAKE USE OF IT. A PRECEDENT: THERE WAS SOMEONE IN BET HORON WHOSE FATHER WAS PROHIBITED BY VOW FROM DERIVING BENEFIT FROM HIM. AND THE MAN IN BETH**

**HORON WAS MARRYING OFF HIS SON, AND HE SAID TO HIS FELLOW, "THE COURTYARD AND THE BANQUET ARE GIVEN OVER TO YOU AS A GIFT. BUT THEY ARE BEFORE YOU ONLY SO THAT FATHER MAY COME AND EAT WITH US AT THE BANQUET." THE OTHER PARTY SAID, "NOW IF THEY REALLY ARE MINE, THEN LO, THEY ARE CONSECRATED TO HEAVEN!" HE SAID TO HIM, "I DIDN'T GIVE YOU WHAT'S MINE SO YOU WOULD CONSECRATE IT TO HEAVEN!" HE SAID TO HIM, "YOU DID NOT GIVE ME WHAT'S YOURS EXCEPT SO THAT YOU AND YOUR FATHER COULD EAT AND DRINK AND MAKE FRIENDS AGAIN, AND SO THE SIN FOR VIOLATING THE OATH COULD REST ON HIS HEAD!" NOW THE CASE CAME BEFORE SAGES. THEY RULED, "ANY ACT OF DONATION WHICH IS NOT SO GIVEN THAT, IF ONE SANCTIFIED IT TO HEAVEN, IT IS SANCTIFIED, IS NO ACT OF DONATION."**

**1. I:1:** Is the purpose of the precedent to contradict the rule that it illustrates?

**2. I:2:** Said Raba, "This rule has been taught only for a case in which he said to him, 'And lo, they are before you only so that father may come....,' but if he said to him, 'They are before you so that, on your intentionality, father may come,' there is no objection to such a donation."

**a. I:3:** Case.

**3. I:4:** We have learned in the Mishnah: They ruled, "Any act of donation which is not so given that, if one sanctified it to Heaven, it is sanctified, is no act of donation." So what does the any encompass? Is it not a case such as the son who steals flax? Such a gift is invalid not merely because of the greater stringency of vows but because 'acquire to transfer title' does not confer title.

## **XLV. Mishnah-Tractate Nedarim 6:1**

**A. HE WHO TAKES A VOW NOT TO EAT WHAT IS COOKED IS PERMITTED TO EAT WHAT IS ROASTED OR SEETHED.**

**1. I:1:** It has been taught on Tannaite authority: R. Josiah forbids what is roasted or seethed. And even though there is no clear proof of his position, there is at least an indication of it: "And they boiled the Passover-offering in fire, according to the Torah" (2Ch. 35:13).

**B. IF HE SAID, "QONAM IF I TASTE COOKED FOOD," HE IS PROHIBITED FROM EATING WHAT IS LOOSELY COOKED IN A POT.**

**1. II:1:** But lo, he took a vow to abstain from what is cooked whether loosely or in a dense mass!

**a. II:2:** Case.

**I. II:3:** Gloss of the foregoing.

**C. BUT PERMITTED TO EAT WHAT IS SOLIDLY COOKED IN A POT.**

**1. III:1:** Our Mishnah rule does not accord with the Babylonians, for said R. Zira, "Stupid Babylonians – they eat bread with bread."

**a. III:2:** Case involving eating porridge.

**b. III:3:** As above.

**c. III:4:** As above.

**d.** III:5: As above.

**e.** III:6: As above.

**f.** III:7: As above.

**D. TOPICAL COMPOSITE CONCERNING EATING VARIOUS TYPES OF FOOD**

**I.** III:8: Story.

**II.** III:9: Story.

**III.** III:10: Story.

**IV.** III:11: Story.

**V.** III:12: Story.

**A.** III:13: Story about how Aqiba, in poverty, had to eat straw.

**1.** III:14: How Aqiba got rich.

**2.** III:15: Story. How others got rich.

**3.** III:16: Story.

**4.** III:17: Story.

**E. AND HE IS PERMITTED TO EAT A LIGHTLY BOILED EGG:**

**1.** IV:1: What is the definition of a lightly boiled egg?

**2.** IV:2: There we have learned in the Mishnah: If he was working on cooking figs, he shall not eat white figs without tithing them. If he was working on white figs, he shall not eat cooking figs without tithing them (M. Ma. 2:8A-B). What is the definition of cooking figs?

**F. MISCELLANY CONCERNING FOOD: MARKS OF POVERTY OR WEALTH**

**1.** IV:3: There was a man who handed over his slave to a friend to teach him a thousand ways of making pap, but he taught him only eight hundred. He called him to court before Rabbi. Said Rabbi, "Our fathers have said, 'We have forgotten prosperity' (Lam. 3:17) – but for our part, we never even saw it."

**2.** IV:4: Rabbi made a wedding celebration for his son Simeon without inviting Bar Qappara, who wrote above the banquet hall, "Twenty-four thousand myriad of denarii have been spent on this celebration."

**3.** IV:5: On the day on which Rabbi laughed and didn't suffer pain, punishment came into the world. He said to Bar Qappara, "Don't make me laugh, and I'll give you forty measures of wheat."

**4.** IV:6: Said Bar Qappara to the daughter of Rabbi, "Tomorrow I'm going to drink wine while your father dances and your mother croaks."

**a.** IV:7: Gloss of a detail of the foregoing.

**I.** IV:8: Gloss of the gloss.

**G. OR GOURDS PREPARED IN HOT ASHES:**

**1.** V:1: What is the meaning of gourds prepared in hot ashes?

## **XLVI. Mishnah-Tractate Nedarim 6:2**

**A. HE WHO TAKES A VOW NOT TO EAT WHAT IS COOKED IN A POT IS PROHIBITED ONLY FROM WHAT IS BOILED THEREIN. IF HE SAID, “QONAM IF I TASTE ANYTHING WHICH GOES DOWN INTO A POT” HE IS PROHIBITED FROM EATING ANYTHING WHICH IS COOKED IN A POT.**

1. I:1: It has been taught on Tannaite authority: He who vows not to eat what goes down into a pot is prohibited from eating what goes down into a pan, for it is already going into the pot for boiling before it goes into the stew pot. He who vows not to eat what goes into a stew pot may eat what goes into a boiling pot. He who vows what is prepared in a boiling pot may eat what is prepared in a stew pot. He who vows not to eat what is wholly prepared in a boiling pot may eat what is partially prepared in a stew pot. He who vows not to eat when goes into an oven – only bread is forbidden to him. But if he said, “Everything made in an oven is forbidden to me,” he is forbidden to eat anything made in an oven (T. **Ned. 3:1C-D, 2**).

## **XLVII. Mishnah-Tractate Nedarim 6:3A-D**

**A. HE WHO TAKES A VOW NOT TO EAT WHAT IS PICKLED IS PROHIBITED ONLY FROM EATING PICKLED VEGETABLES. IF HE SAID, “QONAM IF I TASTE ANYTHING PICKLED,” HE IS PROHIBITED FROM EATING ANYTHING WHICH IS PICKLED. IF HE TOOK A VOW NOT TO EAT WHAT IS SEETHED, HE IS FORBIDDEN ONLY FROM EATING SEETHED MEAT. IF HE SAID, “QONAM IF I TASTE ANYTHING SEETHED,” HE IS PROHIBITED FROM EATING ANYTHING WHICH IS SEETHED.**

1. I:1: aid R. Aha b. R. Avayya to R. Ashi, “If one said, ‘that which is preserved,’ ‘that which is roasted,’ ‘that which is salted,’ what is the rule?”

## **XLVIII. Mishnah-Tractate Nedarim 16:3E-H, 6:4**

**A. “HE WHO TAKES A VOW NOT TO EAT WHAT IS ROASTED IS PROHIBITED ONLY FROM EATING ROASTED MEAT,” THE WORDS OF R. JUDAH. IF HE SAID, “QONAM IF I TASTE ANYTHING ROASTED,” HE IS PROHIBITED FROM EATING ANYTHING WHICH IS ROASTED. HE WHO TAKES A VOW NOT TO EAT WHAT IS SALTED IS PROHIBITED ONLY FROM EATING SALTED FISH. IF HE SAID, “QONAM IF I EAT ANYTHING SALTED,” THEN HE IS PROHIBITED FROM EATING ANYTHING AT ALL WHICH IS SALTED.**

**HE WHO SAYS, “QONAM IF I TASTE FISH OR FISHES,” IS PROHIBITED TO EAT THEM, WHETHER LARGE OR SMALL, SALTED OR UNSALTED, RAW OR COOKED. BUT HE IS PERMITTED TO EAT PICKLED CHOPPED FISH AND BRINE.**

**HE WHO VOWS NOT TO EAT SMALL FISH IS PROHIBITED FROM EATING PICKLED CHOPPED FISH. BUT HE IS PERMITTED TO EAT BRINE AND FISH BRINE. HE WHO VOWED NOT TO EAT PICKLED CHOPPED FISH IS PROHIBITED FROM EATING BRINE AND FISH BRINE.**



1. I:1: It has been taught on Tannaite authority: R. Simeon b. Eleazar says, “If he said, ‘Qonam if I taste fish,’ he is forbidden to eat big ones but permitted to eat little ones. If he said, ‘...little fish...,’ he is forbidden to eat little ones but permitted to eat big ones. ‘If he said, ‘fish or little fish...,’ he is forbidden to eat both big and little ones.” (T. **Ned. 3:5F-H**).

2. I:2: Said R. Pappa to Abbaye, “How do I know that the language, ‘Qonam if I taste fish,’ has to mean big ones? It is because it is written, ‘Now the Lord has prepared a big fish to swallow up Jonah’ (Jon. 2: 1). But it also is written, ‘Then Jonah prayed unto the Lord his God out of the belly of the little fish’ (Jon. 2: 2).”

3. I:3: He who vows not to eat small fish: Said Rabina to R. Ashi, “If he said, ‘Lo, forbidden to me are chopped small fish,’ what is the law?”

### **XLIX. Mishnah-Tractate Nedarim 6:5, 6:6, 6:7A-B**

**A. HE WHO VOWS NOT TO HAVE MILK IS PERMITTED TO EAT CURDS. AND R. YOSÉ PROHIBITS EATING CURDS. IF HE VOWED NOT TO EAT CURDS, HE IS PERMITTED TO HAVE MILK. ABBA SAUL SAYS, “HE WHO VOWS NOT TO EAT CHEESE IS PROHIBITED TO EAT IT WHETHER IT IS SALTED OR UNSALTED.”**

**HE WHO TAKES A VOW NOT TO EAT MEAT IS PERMITTED TO EAT BROTH AND MEAT SEDIMENT. AND R. JUDAH PROHIBITS HIM FROM EATING BROTH AND MEAT SEDIMENT. SAID R. JUDAH, M‘SH W: “R. TARFON PROHIBITED ME FROM EATING EGGS WHICH WERE ROASTED WITH IT MEAT.” THEY SAID TO HIM, “AND THAT IS THE POINT! UNDER WHAT CIRCUMSTANCES? WHEN HE WILL SAY, ‘THIS MEAT IS PROHIBITED TO ME.’ FOR HE WHO VOWS NOT TO EAT SOMETHING WHICH IS MIXED WITH SOMETHING ELSE, IF THERE IS SUFFICIENT OF THE PROHIBITED SUBSTANCE TO IMPART A FLAVOR, IS PROHIBITED FROM EATING THE MIXTURE.”**

**HE WHO VOWS NOT TO DRINK WINE IS PERMITTED TO EAT A COOKED DISH WHICH HAS THE TASTE OF WINE. IF HE SAID, “QONAM IF I TASTE THIS WINE,” AND IT FELL INTO A COOKED DISH, IF THERE IS SUFFICIENT WINE TO IMPART A FLAVOR, LO, THIS IS PROHIBITED.**

1. I:1: By way of contradiction: He who takes a vow not to eat lentils is forbidden from eating lentil cakes. And R. Yosé permits. Yosé permits what is made from the forbidden substance, while in our Mishnah paragraph he treats curd as subject to the term milk.

2. I:2: It has been taught on Tannaite authority: He who takes a view not to have milk is permitted to eat curd, not to have curd, is permitted to have milk; not to have milk, is permitted to eat cheese, not to have cheese, is permitted to have milk; not to have broth, is permitted to have meat sediment; not to have meat sediment, is permitted to have broth. If he said, “This meat is forbidden to me,” he is forbidden to have both it and its gravy and sediment. He who takes a vow not to drink wine is permitted to have a stew that has the flavor of wine. If he said, “Qonam be this wine if I taste it,” and it fell into a stew, if the stew has the taste of the wine, lo, it is forbidden (cf. T. **3:2E-H**).



## **L. Mishnah-Tractate Nedarim 6:7C-E**

**A. HE WHO TAKES A VOW NOT TO EAT GRAPES IS PERMITTED TO DRINK WINE. HE WHO TAKES A VOW NOT TO EAT OLIVES IS PERMITTED TO HAVE OLIVE OIL. IF HE SAID, “QONAM! IF I EAT THESE OLIVES OR GRAPES,” HE IS PROHIBITED TO EAT THEM AND WHAT EXUDES FROM THEM.**

1.I:1: R. Ammi bar Hama raised this question: “Is the use of the language, ‘these,’ essential? Or is the use of the language, ‘that I eat,’ essential? If you think that ‘these’ is essential, then why add ‘that I eat’?”

## **LI. Mishnah-Tractate Nedarim 6:8**

**A. HE WHO TAKES A VOW NOT TO EAT DATES IS PERMITTED TO HAVE DATE HONEY. HE WHO TAKES A VOW NOT TO EAT WINTER GRAPES IS PERMITTED TO HAVE THE VINEGAR MADE FROM WINTER GRAPES. R. JUDAH B. BETERAH SAYS, “ANYTHING WHICH IS CALLED AFTER THE NAME OF THAT WHICH IS MADE FROM IT, AND ONE TAKES A VOW NOT TO HAVE IT – HE IS PROHIBITED ALSO FROM EATING THAT WHICH COMES FROM IT.” BUT SAGES PERMIT.**

1.I:1: The sages’ position is identical with that of the initial authority!

## **LII. Mishnah-Tractate Nedarim 6:9**

**A. HE WHO TAKES A VOW NOT TO HAVE WINE IS PERMITTED TO HAVE APPLE WINE. HE WHO TAKES A VOW NOT TO HAVE OIL IS PERMITTED TO HAVE SESAME OIL. HE WHO TAKES A VOW NOT TO HAVE HONEY IS PERMITTED TO HAVE DATE HONEY. HE WHO TAKES A VOW NOT TO HAVE VINEGAR IS PERMITTED TO HAVE THE VINEGAR OF WINTER GRAPES. HE WHO TAKES A VOW NOT TO HAVE LEEKS IS PERMITTED TO HAVE SHALLOTS. HE WHO TAKES A VOW NOT TO HAVE VEGETABLES IS PERMITTED TO HAVE WILD VEGETABLES, SINCE THEY HAVE A SPECIAL NAME.**

1. I:1: It has been taught on Tannaite authority: He who in the Land of Israel takes a vow not to have oil is permitted to have sesame oil and forbidden to have olive oil; in Babylonia, he is forbidden to have sesame oil and permitted to have olive oil. If it is in a place in which people make use of both kinds, he is forbidden to have both kinds (T. 3:3B).

2. I:2: He who in the other years of the Sabbatical cycle not the Seventh Year takes a vow against eating vegetables is forbidden to eat garden vegetables but permitted to eat wild vegetables. If it is in the Seventh Year, he is forbidden to eat wild vegetables but permitted to eat garden vegetables (T. 3:6A-B). Said R. Abbahu in the name of R. Hanina b. Gamaliel, “This has been taught on with reference to a place in which they do not import vegetables from abroad to the Land. But in a place in which they import vegetables from abroad to the Land, is it forbidden.”

### **LIII. Mishnah-Tractate Nedarim 6:10**

**A. HE WHO TAKES A VOW NOT TO EAT CABBAGE IS FORBIDDEN FROM ASPARAGUS DEEMED A SPECIES OF THE CABBAGE GENUS. HE WHO TAKES A VOW NOT TO EAT ASPARAGUS IS PERMITTED TO HAVE CABBAGE. HE WHO TAKES A VOW NOT TO HAVE GRITS IS FORBIDDEN TO HAVE GRITS POTTAGE. AND R. YOSÉ PERMITS IT. HE WHO TAKES A VOW NOT TO EAT GRITS POTTAGE IS PERMITTED TO HAVE GRITS. HE WHO TAKES A VOW NOT TO EAT GRITS POTTAGE IS FORBIDDEN TO EAT GARLIC. AND R. YOSÉ PERMITS IT. HE WHO TAKES A VOW NOT TO EAT GARLIC IS PERMITTED TO EAT GRITS POTTAGE. HE WHO TAKES A VOW NOT TO EAT LENTILS IS FORBIDDEN FROM EATING LENTIL CAKES. AND R. YOSÉ PERMITS. HE WHO TAKES A VOW NOT TO EAT LENTIL CAKES IS PERMITTED TO EAT LENTILS. HE WHO SAYS, “QONAM IF I TASTE A GRAIN OF WHEAT OR WHEAT GROUND UP IN ANY FORM” IS FORBIDDEN FROM EATING IT, WHETHER IT IS GROUND UP OR IN THE FORM OF BREAD. IF HE SAID, “QONAM IF I EAT A GRIT OR GRITS IN ANY FORM,” HE IS FORBIDDEN FROM EATING THEM WHETHER RAW OR COOKED. R. JUDAH SAYS, “IF HE SAID, ‘QONAM IF I EAT EITHER A GRIT OR A GRAIN OF WHEAT,’ HE IS PERMITTED TO CHEW THEM RAW.”**

1. I:1: It has been taught on Tannaite authority: R. Simeon b. Gamaliel says, “...that I shall not taste wheat,’ may not have baked wheat but may chew it raw. ‘...that I shall not taste wheat or wheats,’ he may neither eat them baked nor chew them raw. If he said, ‘...if I taste grit,’ it is forbidden to have them cooked but permitted to chew it raw; ‘...if I taste grits,’ he is forbidden to have them either cooked or raw” (T. 3: 7).

### **LIV. Mishnah-Tractate Nedarim 7:1**

**A. HE WHO VOWS NOT TO EAT VEGETABLES IS PERMITTED TO EAT GOURDS.**

**AND R. AQIBA PROHIBITS HIM FROM EATING GOURDS. THEY SAID TO R. AQIBA, “AND DOES NOT A MAN SAY TO HIS MESSENGER, ‘BUY ME VEGETABLES,’ TO WHICH THE OTHER REPLIES UPON HIS RETURN HOME ‘I FOUND ONLY GOURDS’?” HE SAID TO THEM, “AND THAT IS JUST HOW THINGS ARE! BUT WOULD HE SAY TO HIM, ‘I FOUND ONLY PULSE’? BUT GOURDS ARE IN THE GENERAL CATEGORY OF VEGETABLES, WHILE PULSE IS NOT IN THE GENERAL CATEGORY OF VEGETABLES.” AND IF HE VOWED NOT TO EAT VEGETABLES HE IS PROHIBITED FROM EATING EGYPTIAN BEANS WHEN THEY ARE FRESH, BUT HE IS PERMITTED TO EAT THEM WHEN THEY ARE DRIED.**

1. I:1: But lo, he has taken a vow not to eat vegetables!

### **LV. Mishnah-Tractate Nedarim 7:2**

**A. “HE WHO VOWS NOT TO EAT GRAIN IS FORBIDDEN TO EAT DRIED EGYPTIAN BEANS,” THE WORDS OF R. MEIR. AND SAGES SAY, “HE IS PROHIBITED ONLY FROM EATING THE FIVE VARIETIES WHEAT, BARLEY, SPELT, GOAT GRASS, AND OATS.”**

1. I:1: He who vows not to eat grain is forbidden to eat dried Egyptian beans: Is that to say that “grain” covers everything that is heaped up which would explain why Meir includes Egyptian beans in that category?

**B. R. MEIR SAYS, “HE WHO VOWS NOT TO EAT FIELD PRODUCE IS FORBIDDEN ONLY TO EAT THE FIVE VARIETIES. BUT HE WHO VOWS NOT TO EAT GRAIN IS PROHIBITED FROM EATING ALL KINDS OF GRAIN.” BUT HE IS PERMITTED TO EAT FRUIT OF TREES AND VEGETABLES.**

1. II:1: Said R. Yohanan, “All concur that he who takes an oath against eating produce is forbidden to eat only the five species.”

a. II:2: Story.

2. II:3: It has been taught on Tannaite authority: He who takes a vow not to eat grain is forbidden to eat Egyptian bean when it is dry, but permitted to eat it when green, and he is permitted to eat rice, coarse meal, pulse porridge, and pearl barley (T. **Ned. 4:3F-G**). He who vows not to eat the produce of a given year is prohibited from eating all of the produce of that year, but is permitted to eat the meat of goats, lambs, milk, eggs, and fledglings of that year. But if he vowed, “Whatever grows of this year is forbidden to me,” all of them are forbidden. He who vows not to eat the fruits of the earth is forbidden to eat all the fruits of the earth but permitted to eat mushrooms and truffles. But if he vowed, “that which grows from the earth is forbidden to me,” all of them are forbidden to him (T. **Ned. 4:1C-D**).

## **LVI. Mishnah-Tractate Nedarim 7:3**

**A. HE WHO VOWS NOT TO WEAR CLOTHING IS PERMITTED TO WEAR SACKING, CURTAINS, OR HANGINGS. IF HE SAID, “QONAM IF WOOL TOUCHES ME,” HE IS PERMITTED TO WEAR WOOL SHEARINGS. IF HE SAID, “QONAM IF FLAX TOUCHES ME,” HE IS PERMITTED TO WEAR STALKS OF FLAX.**

1. I:1: It has been taught on Tannaite authority: He who vows not to wear clothing is permitted to wear sack cloth, curtains, and blankets, but is forbidden to wear a belt, a fascia, a scortea, a leather spread, shoes, knee pants, pants, or a hat (T. **Ned. 4:3H-I**).

2. I:2: It has been taught on Tannaite authority: On the Sabbath one may go out into the public domain wearing a thick sack cloth, coarse blanket, curtain, blanket wrap, to keep off the rain; but not a box, basket, or matting to keep off the rain. Shepherds go out with sacks, not only shepherds but everybody, but sages referred to what is commonplace (T. **Shab. 5:14**).

**B. R. JUDAH SAYS, “ALL DEPENDS UPON THE ONE WHO MAKES THE VOW: IF HE WAS BEARING A BURDEN AND WAS SWEATING AND BREATHING HEAVILY AND SAID, ‘QONAM IF WOOL AND FLAX TOUCH ME,’ HE IS PERMITTED TO WEAR THEM AS CLOTHING BUT PROHIBITED TO THROW THEM OVER ONTO HIS BACK AS A BUNDLE.”**

1. II:1: It has been taught on Tannaite authority: How is it so that all depends upon the one who makes the vow? If he was wearing wool and was irritated by it and

vowed, “Qonam be wool that touches me,” he is forbidden to wear it but permitted to carry it. If he is carrying flax and sweating on its account and said, “Qonam be flax that touches me,” he may wear it but may not carry it (T. **Ned. 4:4A-C**).

### **LVII. Mishnah-Tractate Nedarim 7:4**

**A. “HE WHO VOWS NOT TO ENTER A HOUSE IS PERMITTED TO ENTER THE UPPER ROOM,” THE WORDS OF R. MEIR. AND SAGES SAY, “THE UPPER ROOM IS COVERED BY THE CATEGORY OF THE HOUSE AND HE IS PROHIBITED FROM ENTERING IT.” HE WHO VOWS NOT TO ENTER THE UPPER ROOM IS PERMITTED TO ENTER THE HOUSE.**

1. I:1: Who is the Tannaite authority behind the formulation: “‘And I put the plague of leprosy in a house’ (Lev. 14:34) to encompass the side chambers, ‘in a house,’ to encompass the upper story”? Said R. Hisda, “It is R. Meir, for were it the view of rabbis, have rabbis not maintained that the upper room is encompassed by reference to the house? So why should I require a verse of Scripture, along the lines of, ‘in a house,’ to encompass the upper story”? From rabbis’ perspective, such a proof is not required.

### **LVIII. Mishnah-Tractate Nedarim 7:5A-C**

**A. “HE WHO VOWS NOT TO USE A BED IS PERMITTED TO USE A COUCH,” THE WORDS OF R. MEIR. AND SAGES SAY, “A COUCH IS COVERED BY THE CATEGORY OF THE BED AND HE IS PROHIBITED FROM MAKING USE OF A COUCH.” HE WHO VOWS NOT TO MAKE USE OF A COUCH IS PERMITTED TO MAKE USE OF A BED.**

1. I:1: What is the definition of a couch?

### **LIX. Mishnah-Tractate Nedarim 7:5D-E**

**A. HE WHO VOWS NOT TO ENTER A CITY IS PERMITTED TO ENTER INTO THE BORDER OF THE CITY BUT PROHIBITED FROM ENTERING INTO ITS CONFINES.**

1. I:1: How on the basis of Scripture do we know that the outskirts of the town is equivalent to the town itself?

**B. BUT HE WHO VOWS NOT TO ENTER A HOUSE IS PROHIBITED FROM ENTERING BEYOND THE JAMB OF THE DOOR AND INWARDS.**

1. II:1: But not from the door jamb and outwards.

### **LX. Mishnah-Tractate Nedarim 7:6-9**

**A. HE WHO SAYS, “QONAM BE THESE PIECES OF FRUIT FOR ME,” “THEY ARE QONAM FOR MY MOUTH,” “THEY ARE QONAM TO MY MOUTH” – HE IS PROHIBITED FROM EATING WHATEVER HE MAY EXCHANGE FOR THOSE PIECES OF FRUIT AND WHATEVER GROWS FROM THEM TOO. IF HE SAYS, “QONAM IF I EAT THESE PIECES OF FRUIT,” “QONAM IF I TASTE THEM,” HE IS PERMITTED TO EAT WHATEVER HE MAY EXCHANGE FOR THOSE PIECES OF FRUIT AND WHATEVER GROWS FROM THEM. THIS IS THE CASE OF SOMETHING THE SEED OF WHICH PERISHES. BUT IN**

**THE CASE OF SOMETHING THE SEED OF WHICH DOES NOT PERISH, EVEN WHAT GROWS FROM IT IS PROHIBITED.**

**HE WHO SAYS TO HIS WIFE, “QONAM BE THE RESULTS OF THE WORK OF YOUR HANDS FOR ME,” “THEY ARE QONAM FOR MY MOUTH,” “THEY ARE QONAM TO MY MOUTH” – HE IS PROHIBITED TO MAKE USE OF THINGS EXCHANGED FOR THEM OR THINGS WHICH GROWN FROM THEM AS WELL. IF HE SAID, “QONAM THAT I SHALL NOT EAT,” OR “...THAT I SHALL NOT TASTE,” THEN HE IS PERMITTED TO EAT OR TASTE THINGS EXCHANGED FOR THEM AND THINGS THAT GROW FROM THEM. THIS IS THE RULE FOR SOMETHING THE SEED OF WHICH PERISHES IN THE GROUND. BUT IN THE CASE OF SOMETHING THE SEED OF WHICH DOES NOT PERISH, EVEN THINGS THAT GROW FROM THE THINGS THAT GROW FROM THEM ARE PROHIBITED.**

**HE WHO SAYS, “QONAM BE WHAT YOU ARE MAKING IF I EAT IT UNTIL PASSOVER,” “...BE WHAT YOU ARE MAKING IF I WEAR IT UNTIL PASSOVER” – IF SHE PREPARED THESE THINGS BEFORE PASSOVER, HE IS PERMITTED TO EAT OR TO WEAR WHAT SHE MADE AFTER PASSOVER. IF HE SAID, “QONAM BE TO ME WHAT YOU ARE MAKING UNTIL PASSOVER, IF I EAT IT,” “...WHAT YOU ARE MAKING UNTIL PASSOVER IF I WEAR IT,” IF SHE PREPARED THESE THINGS BEFORE PASSOVER, HE IS PROHIBITED AFTER PASSOVER FROM EATING OR WEARING WHAT SHE HAS MADE.**

**HE WHO SAYS, “QONAM BE WHAT YOU ENJOY ON MY ACCOUNT BEFORE PASSOVER IF YOU GO TO YOUR FATHER’S HOUSE BEFORE THE FESTIVAL OF SUKKOT,” IF SHE WENT BEFORE PASSOVER, SHE IS PROHIBITED FROM DERIVING BENEFIT FROM HIM UNTIL PASSOVER. IF SHE WENT AFTER PASSOVER, HE IS SUBJECT TO THE RULE, “HE SHALL NOT PROFANE HIS WORD” (NUM. 30: 2).**

**HE WHO SAYS, “QONAM BE WHAT YOU ENJOY ON MY ACCOUNT UP TO THE FESTIVAL OF SUKKOT IF YOU GO TO YOUR FATHER’S HOUSE BEFORE PASSOVER,” AND SHE WENT TO HER FATHER’S HOUSE BEFORE PASSOVER, SHE IS PROHIBITED FROM DERIVING BENEFIT FROM HIM UP TO THE FESTIVAL OF SUKKOT. BUT SHE IS PERMITTED TO GO TO HER FATHER’S HOUSE AFTER PASSOVER.**

**A. FREE-STANDING PROBLEM, TO WHICH THE FOREGOING MAKES A FACTUAL CONTRIBUTION**

**1. I:1:** Ishmael of Kefar Yama, and some say, of Kefar Dima, with regard to an onion that he pulled up in the Seventh Year and planted in the eighth, and the growth in the eighth year is greater than the stock that was pulled up in the seventh year, raised this question: “Is it the rule that the additional growth is permitted not being restricted by the rules governing produce of the Seventh Year, while the stock is forbidden, but, since the growth is greater than the stock, the growth, which is permitted, comes along and annuls the forbidden part, or is that not the rule?”

**a. I:2:** Gloss of the foregoing.

**b. I:3:** As above.

## **LXI. Mishnah-Tractate Nedarim 8:1-2**

**A. HE WHO SAYS, “QONAM IF I TASTE WINE TODAY,” IS PROHIBITED ONLY TO NIGHTFALL.**

1. I:1: He who says, “Qonam if I taste wine today,” is prohibited only to nightfall: Said R. Jeremiah, “When it gets dark, he has to seek absolution of a sage.”

a. I:2: Said Rabina, “Said Maremar to me, “This is what your father said in the name of R. Joseph: ‘In accord with what authority is the tradition of R. Jeremiah bar Abba? It is in accord with R. Nathan. For it 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.”””

**B. IF HE REFERRED TO “THIS WEEK,” HE IS PROHIBITED THE ENTIRE WEEK, AND THE SABBATH WHICH IS COMING IS INCLUDED IN THAT PAST WEEK.**

1. II:1: Yeah, so what else is new?

**C. IF HE REFERRED TO “THIS MONTH,” HE IS PROHIBITED THAT ENTIRE MONTH, BUT THE DAY OF THE NEW MONTH IS ASSIGNED TO THE COMING MONTH.**

1. III:1: Yeah, so what else is new?

**D. IF HE REFERRED TO “THIS YEAR,” HE IS PROHIBITED THAT ENTIRE YEAR, BUT THE NEW YEAR’S DAY IS ASSIGNED TO THE YEAR WHICH FOLLOWS. IF HE REFERRED TO “THIS SEPTENNATE,” HE IS PROHIBITED THAT ENTIRE SEPTENNATE, AND THE SEVENTH YEAR IS ASSIGNED TO THE LAST SEPTENNATE AND IS INCLUDED IN THE VOW. AND IF HE SAID, “ONE DAY,” “ONE WEEK,” “ONE MONTH,” “ONE YEAR,” “ONE SEPTENNATE,” HE IS PROHIBITED FROM THAT DAY UNTIL THE SAME DAY OR MONTH, YEAR, OR SEPTENNATE FOLLOWING.**

1. IV:1: This question was raised: “If someone says, ‘Qonam is wine that I may taste a day,’ is this language read as ‘today’ or as ‘one day’?”

2. IV:2: This question was raised: “If someone says, ‘Qonam is wine that I may taste for a Jubilee,’ is the fiftieth year treated as prior to the fiftieth year or as later than it and so is the fiftieth year covered by the vow or not?”

**E. IF HE SAID, “TO PASSOVER,” HE IS PROHIBITED UNTIL IT COMES. IF HE SAID, “UNTIL IT WILL BE PASSOVER,” HE IS PROHIBITED UNTIL IT IS OVER. IF HE SAID, “UNTIL BEFORE PASSOVER,” R. MEIR SAYS, “HE IS PROHIBITED UNTIL IT COMES.” R. YOSÉ SAYS, “HE IS PROHIBITED UNTIL IT IS OVER.”**

1. V:1: Does this bear the implication, then, that R. Meir takes the view that one will not put himself into a situation of doubt, and R. Yosé maintains that one will put himself into a situation of doubt? But by contrast: He who has two groups of daughters by two wives in succession, and who said, “I have betrothed my oldest daughter, but I do not know whether it is the oldest of the older group or the oldest of the younger group, or the youngest of the older group, who is also older than the oldest of the younger group” – all of them are prohibited to marry without a writ of divorce, except for the youngest of the younger group,” the words of R. Meir. R. Yosé says, “They are all permitted, except for the oldest of the older

group.” “I betrothed my youngest daughter, but I do not know whether it was the youngest of the younger group, or the youngest of the older group, or the oldest of the younger group, who is younger than the youngest of the older group” – “all of them are prohibited except for the oldest of the older group,” the words of R. Meir. R. Yosé says, “All of them are permitted, except for the youngest of the younger group” (M. **Qid. 3: 9**).

## **LXII. Mishnah-Tractate Nedarim 8:3, 8:4A-B**

**A. IF HE SAID, “UNTIL HARVEST,” “UNTIL VINTAGE,” “UNTIL OLIVE GATHERING,” HE IS FORBIDDEN ONLY UNTIL IT COMES. THIS IS THE GENERAL PRINCIPLE: AS TO ANY OCCASION WHOSE TIME IS FIXED, IF HE SAID, “UNTIL IT COMES,” HE IS PROHIBITED UNTIL IT COMES. IF HE SAID, “UNTIL IT WILL BE,” HE IS PROHIBITED UNTIL IT IS OVER. BUT AS TO ANY OCCASION WHOSE TIME IS NOT FIXED, WHETHER HE SAID, “UNTIL IT WILL BE,” AND WHETHER HE SAID, “UNTIL IT COMES,” HE IS PROHIBITED ONLY UNTIL IT COMES.**

**IF HE SAID, “UNTIL SUMMER HARVEST,” “UNTIL IT WILL BE SUMMER HARVEST” IT APPLIES UNTIL THE PEOPLE WILL BEGIN TO BRING IN PRODUCE IN BASKETS.**

1. I:1: A Tannaite statement: Baskets to which they have made reference are those of figs, not grapes.

2. I:2: It has been taught on Tannaite authority: He who takes a vow not to eat summer fruit is forbidden only to eat figs. Rabban Simeon b. Gamaliel says, “Grapes are covered under figs.”

a. I:3: What’s the operative consideration behind the ruling of the initial Tannaite authority?

**B. IF HE SAID, “UNTIL SUMMER HARVEST IS OVER,” IT APPLIES UNTIL THE KNIVES ARE PUT AWAY.**

1. II:1: A Tannaite statement: Until most of the knives are put away.

2. II:2: A Tannaite statement: Until most of the knives have been put away, the remaining figs are permitted so far as theft is concerned and concomitantly are exempt from the requirement of tithing.

a. II:3: Case.

b. II:4: Case.

c. II:5: Case. Concludes: Said R. Abbahu in the name of R. Hananiah b. Gamaliel, “For the rest of the life of that righteous man, he was distressed about this matter. He said, ‘Woe is me, for I have made selfish use of the crown of the Torah.’”

I. II:6: Gloss of a statement in the foregoing. For said Rabbah bar bar Hannah said R. Yohanan, “Whoever makes selfish use of the crown of the Torah is uprooted from this world.”

II. II:7: Gloss of the case.

**C. NOT UTILIZING THE TORAH AND COMMANDMENTS FOR AN INAPPROPRIATE PURPOSE**



**A. II:8:** Extension of II:6: It has been taught on Tannaite authority: “That you may love the Lord your God and that you may obey his voice and that you may cleave to him” (Deu. 30:20): This means that someone shouldn’t say, “I shall study Scripture, so as to be called a sage, I shall repeat Mishnah teachings, so as to be called ‘my lord.’ I shall reason critically, so that I may be an elder and take a seat at the session. Rather: Learn out of love, and honor will come on its own: “Bind them on your fingers, write them on the table of your heart” (Pro. 7: 3); “Her ways are ways of pleasantness” (Pro. 3:17); “She is a tree of life to those that hold onto her, and happy is everyone who keeps her” (Pro. 3:18).

**B. II:9:** Extension of II:6: R. Eliezer b. R. Sadoq says, “Do things for the sake of the One who has made them and speak of them for their own sake, and don’t turn them into a crown for self-glorification or make them into a spade with which to dig.”

**C. II:10:** Extension of II:6: Said Raba, “A person is permitted to reveal himself in a place in which he is not known: ‘But I your servant fear the Lord from my youth’ (1Ki. 18:12).”

**D. II:11:** Extension of II:6: Raba contrasted two verses of Scripture: “‘But I your servant fear the Lord from my youth’ (1Ki. 18:12). ‘Let another man praise you, but not your own mouth’ (Pro. 27: 2). The one speaks of a place in which one is known, the other, a place in which he is not known.”

**E. II:12:** Extension of II:6: Said Raba, “It is permitted for a neophyte rabbi to say, ‘I am a neophyte rabbi, do my business at the head of the line: ‘And David’s sons were priests’ (2Sa. 8:18). They were not priests but sages and entitled to the rights of priests. Just as a priest takes his share at the head of the line, so a disciple of a sage takes his share at the head of the line.”

**F. II:13:** Extension of II:6: Said Raba, “It is permitted for a neophyte rabbi to say, ‘I’m not paying the poll tax, in line with the verse: ‘It shall not be lawful to impose upon them *minda*, *belo*, and *halak*’ (Ezr. 7:24), and said R. Judah, ‘*Minda* refers to the king’s tax, *belo*, the poll tax, and *halach*, the corvée.’”

**G. II:14:** Extension of II:6: And said Raba, “It is permitted for a neophyte rabbi to say, ‘I’m a worshiper of fire a Mazdayasnian or Zoroastrian, in the Zoroastrian empire of Iran, I’m not paying the poll tax.’”

**1. II:15:** Extension of II:6: Case illustrative of the foregoing.

### **LXIII. Mishnah-Tractate Nedarim 8:4C-F, 8:5A-B**

**A. IF HE SAID, “UNTIL THE HARVEST,” IT APPLIES UNTIL THE PEOPLE BEGIN TO HARVEST THE WHEAT CROP BUT NOT THE BARLEY CROP. ALL IS IN ACCORD WITH THE PLACE IN WHICH HE TAKES HIS OATH: IF IT WAS IN THE MOUNTAIN, WE**



**FOLLOW CONDITIONS IN THE MOUNTAIN. AND IF IT WAS IN THE VALLEY, WE FOLLOW CONDITIONS IN THE VALLEY.**

**1. I:1:** It has been taught on Tannaite authority: He who in Galilee takes a vow, "...until the fruit harvest," and then goes down into the valley, although the fruit harvest has begun in the valley, remains bound by his vow until the fruit harvest in Galilee (T. [Ned. 4:7A](#)).

**B. IF HE SAID, "UNTIL THE RAINS," "UNTIL THE RAINS WILL COME," IT APPLIES UNTIL THE SECOND SHOWER HAS FALLEN IN NOVEMBER. RABBAN SIMEON B. GAMALIEL SAYS, "UNTIL THE TIME OF THE SECOND SHOWER COMES." "IF HE SAID, 'UNTIL THE RAINS STOP,' IT APPLIES UNTIL NISAN IS WHOLLY PASSED," THE WORDS OF R. MEIR. R. JUDAH SAYS, "UNTIL PASSOVER IS PASSED."**

**1. II:1:** Said R. Zira, "The dispute concerns a case in which he said, 'until the rains,' but if he said, '...until the rain,' what he meant was, the first rain."

#### **LXIV. Mishnah-Tractate Nedarim 8:5E-G**

**A. IF HE SAID, "QONAM BE WINE IF I TASTE IT THIS YEAR," AND THE YEAR RECEIVED AN INTERCALATED MONTH, HE IS PROHIBITED DURING THE YEAR AND THE ADDED MONTH. IF HE SAID, "UNTIL THE BEGINNING OF ADAR," IT APPLIES UNTIL THE BEGINNING OF THE FIRST ADAR NOT THE INTERCALATED ONE. IF HE SAID, "UNTIL THE END OF ADAR," IT APPLIES UNTIL THE END OF THE FIRST ADAR.**

**1. I:1:** Then it follows that when one says "Adar" without further explanation, he refers to the first Adar and not the second, intercalated one. May we therefore maintain that our Mishnah paragraph stands for the view of R. Judah? For it has been taught on Tannaite authority: "For the first Adar, the scribe writes, 'the first Adar,' and for the second, simply, 'Adar,'" the words of R. Meir. R. Judah says, "For the first Adar, one writes, 'Adar,' and for the second, 'the second Adar'" (T. [Meg. 1:6H-I](#)).

#### **LXV. Mishnah-Tractate Nedarim 8:5H-I, 8:6-7**

**A. R. JUDAH SAYS, "IF HE SAID, 'QONAM BE WINE IF I TASTE IT UNTIL PASSOVER WILL BE,' HE IS PROHIBITED ONLY UP TO THE NIGHT OF PASSOVER. FOR THIS MAN INTENDED TO REFER ONLY UNTIL THE TIME THAT PEOPLE USUALLY DRINK WINE."**

**B. IF HE SAID, "QONAM BE MEAT IF I TASTE IT UNTIL THERE WILL BE THE FAST," HE IS PROHIBITED ONLY UP TO THE NIGHT OF THE FAST. FOR THIS MAN INTENDED TO REFER ONLY TO THE TIME AT WHICH PEOPLE USUALLY EAT MEAT. R. YOSÉ HIS SON SAYS, "IF HE SAID, 'QONAM BE GARLIC IF I TASTE IT UNTIL IT WILL BE THE SABBATH' HE IS PROHIBITED ONLY UP TO THE NIGHT OF THE SABBATH. FOR THIS MAN INTENDED TO REFER ONLY TO THE TIME AT WHICH PEOPLE USUALLY EAT GARLIC."**

**C. HE WHO SAYS TO HIS FELLOW, "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!” AND SO: 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.’ IF THEY WERE NAGGING HIM TO MARRY THE DAUGHTER OF HIS SISTER AND HE SAID, “QONAM BE WHAT SHE ENJOYS WHICH IS MINE FOR ALL TIMES” – AND SO HE WHO DIVORCES HIS WIFE AND SAYS, “QONAM BE WHAT MY WIFE ENJOYS OF MINE FOR ALL TIME – LO, THESE ARE PERMITTED TO DERIVE BENEFIT FROM HIM. FOR THIS MAN INTENDED HIS VOW ONLY WITH REFERENCE TO ACTUAL MARRIAGE WITH THEM. 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.

## **LXVI. Mishnah-Tractate Nedarim 9:1-2**

A. R. ELIEZER SAYS, “THEY UNLOOSE A VOW FOR A PERSON BY REFERENCE TO THE HONOR OF HIS FATHER OR MOTHER.” AND SAGES PROHIBIT. 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.

IF SO, THERE WILL BE NO VOWS!”

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.

1. I:1: What is the meaning of “If so, there will be no vows”?

B. AND FURTHER DID R. ELIEZER SAY, “THEY UNLOOSE A VOW BY REFERENCE TO WHAT HAPPENS UNEXPECTEDLY A NEW FACT.” AND SAGES PROHIBIT.

HOW SO? IF HE SAID, “QONAM BE WHAT I ENJOY WHICH DERIVES FROM SO-AND-SO,” AND THE PERSON WAS APPOINTED A SCRIBE, OR THE PERSON WAS MARRYING OFF HIS SON IN THE NEAR FUTURE, 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!” – IF HE SAID, “QONAM BE THIS HOUSE IF I ENTER IT,” AND IT WAS TURNED INTO A SYNAGOGUE, IF HE SAID, “IF I HAD KNOWN THAT IT WOULD BE MADE INTO A SYNAGOGUE, I SHOULD NEVER HAVE TAKEN THAT OATH,” R. ELIEZER PERMITS DECLARES THE VOW TO BE UNBOUND. SAGES PROHIBIT DECLARE THE VOW TO REMAIN BINDING.

1. II:1: What is the scriptural basis behind the position of R. Eliezer?

a. II:2: Extension of a subordinated detail of the foregoing.

**b. II:3:** Extension of a subordinated detail of the foregoing.

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

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

**I. II:6:** Further case: And also against King Nebuchadnezzar he rebelled, who had imposed on him an oath by the living God” (2Ch. 36:13): What was the nature of this rebellion of his?

### **LXVII. Mishnah-Tractate Nedarim 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. AND SAGES DO NOT CONCUR WITH HIM. HOW SO? IF HE SAID, “QONAM THAT I SHALL NEVER MARRY SO-AND-SO, FOR HER FATHER IS EVIL,” AND THEY TOLD HIM, “HE DIED,” OR “HE HAS REPENTED” – IF HE SAID, “QONAM BE THIS HOUSE, THAT I SHALL NOT ENTER IT, FOR THERE IS A BAD DOG INSIDE,” OR “SNAKE INSIDE,” AND THEY TOLD HIM, “THE DOG DIED,” OR “THE SNAKE WAS KILLED” –, THESE APPEAR TO BE EQUIVALENT TO THAT WHICH HAPPENS UNEXPECTEDLY, YET ARE NOT TREATED AS EQUIVALENT TO THAT.**

**1. I:1:** But if it died, it is a new fact! Said R. Huna, “It is treated as though he had made his vow conditional on that fact.” And R. Yohanan said, “They told him, ‘The dog had already died,’ ‘the man had already repented.’”

### **LXVIII. Mishnah-Tractate Nedarim 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, ‘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?’ AND HE SAYS, ‘IF I HAD KNOWN THAT MATTERS WERE THUS, I SHOULD NEVER HAVE TAKEN SUCH A VOW’ – LO, THIS VOW IS LOOSED.”**

**1. I:1:** 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.”

## **LXIX. Mishnah-Tractate Nedarim 9:5**

**A. THEY UNLOOSE A MAN'S VOW BY REASON OF THE WIFE'S MARRIAGE CONTRACT. M'SH B: A CERTAIN MAN VOWED NOT TO DERIVE BENEFIT FROM HIS WIFE. AND HER MARRIAGE CONTRACT CALLED FOR A PAYMENT OF FOUR HUNDRED DENARS. AND HE CAME BEFORE R. AQIBA, WHO REQUIRED HIM TO PAY OFF HER MARRIAGE CONTRACT. 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?"**

**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."**

**HE SAID TO HIM, "NOW IF I HAD EVER KNOWN THAT THINGS WERE SO, I SHOULD NEVER HAVE TAKEN SUCH A VOW." AND R. AQIBA DECLARED THE VOW TO BE NOT BINDING.**

1. I:1: 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?

## **LXX. Mishnah-Tractate Nedarim 9:6-8**

**A. 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. HOW SO? IF HE SAID, "QONAM BE WHAT I ENJOY FROM ANY ONE OF YOU" – 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. IF HE SAID, "QONAM BE WHAT I ENJOY FROM THIS ONE AND FROM THAT ONE," IF THE VOW PERTAINING TO THE FIRST WAS DECLARED NOT BINDING, ALL OF THEM ARE NO LONGER SUBJECT TO THE VOW.**

**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.**

1. I:1: Who is the Tannaite authority behind that statement?

**B. 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. 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.**

**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.**

1. II:1: But why not derive the conclusion from the fact that it is not injurious?

**C. 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. THERE WAS A CASE ALONG THESE LINES, AND R. MEIR DECLARED HIM PERMITTED TO EAT ALL ONIONS.**

1. III:1: But why not derive the conclusion from the fact that it is not injurious?

### **LXXI. Mishnah-Tractate Nedarim 9:9-10**

**A. THEY UNLOOSE A VOW FOR A MAN BY REFERENCE TO HIS OWN HONOR AND BY REFERENCE TO THE HONOR OF HIS CHILDREN. 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,’ 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?” AND IF HE THEN SAID, “HAD I KNOWN THAT THINGS WOULD BE THAT WAY, I SHOULD NEVER HAVE TAKEN SUCH A VOW,” LO, THIS VOW IS NOT BINDING. 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.**

**M’SHEB: 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. THAT MOMENT R. ISHMAEL WEPT AND SAID, “ISRAELITE GIRLS REALLY ARE BEAUTIFUL, BUT POVERTY MAKES THEM UGLY.” AND WHEN R. ISHMAEL DIED, ISRAELITE GIRLS TOOK UP A LAMENTATION, SAYING, “ISRAELITE GIRLS, WEEP OVER R. ISHMAEL.” 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).**

1. I:1: Is the purpose of the cited case meant to contradict the rule that it is supposed to illustrate?

a. I:2: Tannaite gloss of the story.

b. I:3: Illustrative case.

c. I:4: As above.

d. I:5: As above.

e. I:6: As above.

## **LXXII. Mishnah-Tractate Nedarim 10:1**

**A. A BETROTHED GIRL – HER FATHER AND HER HUSBAND ANNUL HER VOWS. IF THE FATHER ANNULLED HER VOW, BUT HER HUSBAND DID NOT ANNUL HER VOW, OR IF HER HUSBAND ANNULLED HER VOW, BUT HER FATHER DID NOT ANNUL HER VOW, IT IS NOT ANNULLED. AND IT IS NOT NECESSARY TO SAY, IF ONE OF THEM CONFIRMED HER VOW AND THE OTHER DID NOT, THAT IT IS NOT CONFIRMED.**

1. I:1: And it is not necessary to say, if one of them confirmed her vow and the other did not, that it is not confirmed: – so that's the same point as is made at the outset, her father and her husband annul her vows!

2. I:2: And it is not necessary to say, if one of them confirmed her vow and the other did not, that it is not confirmed: So if it's not necessary to say so, why say it? After all, if we say that if one of them annuls the vow without the other, the act is null, why also say, if one of them confirmed her vow and the other did not, that it is not confirmed?

3. I:3: A betrothed girl – her father and her husband annul her vows: How on the basis of Scripture do we know that fact?

4. I:4: A Tannaite statement of the household of R. Ishmael: “‘These are the statutes which the Lord commanded Moses between a man and his wife, between the father and his daughter, being yet in her youth in her father's house’ (Num. 30:17) – on the strength of that verse we know that as to a betrothed girl – her father and her husband annul her vows.”

5. I:5: The question was raised: What is the effect of the husband's action? Does the action of the husband shear off entirely the half of the vow subject to his action, or does he merely weaken the effect of the entire vow?

6. I:6: Raba raised this question: “Is there the possibility of asking a sage for remission of an act of confirmation of a vow, or is that not the case? If you should find reasons to maintain that there is the possibility of asking a sage for remission of an act of confirmation of a vow, then is there the possibility of asking a sage for remission of an act of nullification of a vow, or is there no such possibility?”

7. I:7: Rabbah raised this question: “If the husband or father said, ‘It is confirmed for you, it is confirmed for you,’ and then sought remission by a sage of the first act of confirmation, what is the law?”

8. I:8: Rabbah raised this question: “If the husband or father said, ‘It is confirmed for you, it is nullified for you, but the confirmation applies only if the nullification takes effect, what is the law?’”

9. I:9: Rabbah raised this question: “If he said simultaneously, ‘It is confirmed for you and it is nullified for you,’ what is the law?”

10. I:10: Rabbah raised this question: “If he said, ‘It is confirmed for you today,’ what is the law? Do we maintain that it is as though he had said for her, ‘It is nullified for you for tomorrow’? Or perhaps we maintain that he has made no such statement? And if you take the view that he has made no such statement, then, if he said to her, ‘It is nullified for you for tomorrow,’ what is the law? Do we say

that he has not got the power to nullify the vow for her only tomorrow, then it is as though he has confirmed it for today? Or perhaps, since he didn't say, 'It is confirmed for you for today,' when he said to her, 'It is nullified for you for tomorrow,' it is as though he meant to do so for today? And if you should say that even so, since he confirmed it for today, it is as though it were in force for tomorrow, too, what if he said, 'It is confirmed for you for an hour'? Do we say, it is as though he said, 'It is annulled for you afterward,' or perhaps he simply made no such statement to her? And should you maintain that he made no such statement, then what if he did explicitly nullify the vow? Do we then say, since he confirmed it, he confirmed it for good, or perhaps, since he can confirm or nullify it for the entire day, if he says, 'It is nullified for you after an hour has passed,' his statement is an effective one?"

### **LXXIII. Mishnah-Tractate Nedarim 10:2**

**A. IF THE FATHER DIED, HIS AUTHORITY DOES NOT PASS TO THE HUSBAND. IF THE HUSBAND DIED, HIS AUTHORITY PASSES TO THE FATHER.**

1. I:1: What is the scriptural basis for this rule?

2. I:2: If the father died, his authority does not pass to the husband: How on the basis of Scripture do we know that fact?

**B. IN THIS REGARD THE POWER OF THE FATHER IS GREATER THAN THE POWER OF THE HUSBAND. IN ANOTHER REGARD, HOWEVER, THE POWER OF THE HUSBAND IS GREATER THAN THE POWER OF THE FATHER. FOR THE HUSBAND ANNULS THE VOWS IN THE CASE OF A GROWN-UP WOMAN, BUT THE FATHER DOES NOT ANNUL THE VOWS OF A GROWN-UP WOMAN.**

1. II:1: To what does this statement For the husband annuls the vows in the case of a grown-up woman, but the father does not annul the vows of a grown-up woman refer? Should we say that the husband has betrothed her while she was a girl and then she became pubescent? But then note: The father's death frees her from the father's authority, and reaching the stage of puberty frees her from her father's authority; then, just as at death, his authority doesn't pass to the husband, so when she reaches puberty, his authority shouldn't pass to the husband. On the other hand, if he betrothed her when she was pubescent, in such a case we have a Tannaite statement to the same effect, namely: A grown-up woman who waited twelve months, and a widow who waited thirty days – R. Eliezer says, "Since her husband is liable to support her, he annuls her vows." And sages say, "The husband does not annul her vows until she enters his domain" (M. 10:5A-C). What we see in any event is that the man who has betrothed her can have the power to nullify the vows of a pubescent girl.

### **LXXIV. Mishnah-Tractate Nedarim 10:3**

**A. IF SHE TOOK A VOW WHILE SHE WAS BETROTHED AND WAS DIVORCED ON THAT VERY DAY AND BETROTHED AGAIN ON THAT SAME DAY AND REPEATED THE PROCESS, EVEN A HUNDRED TIMES, HER FATHER AND HER LAST HUSBAND ANNUL HER VOWS. THIS IS THE GENERAL PRINCIPLE: IN THE CASE OF ANY GIRL WHO HAS**



**NOT GONE FORTH TO HER OWN DOMAIN FOR A SINGLE MOMENT, HER FATHER AND HER LAST HUSBAND ANNUL HER VOWS.**

**1. I:1:** How on the basis of Scripture do we know that the last of the men who have betrothed the girl has the power to nullify vows known to the first of the men who have betrothed her?

**a. I:2:** Tannaite recapitulation: So, too, it has been taught on Tannaite authority in accord with the position of Samuel: A betrothed girl – her father and her husband annul her vows. How so? If the father heard the vow and annulled it for her, but the husband did not suffice to hear it before he died, and she was then betrothed that very day, even a hundred times, her father and the last of her husbands nullify her vows. If her husband heard the vow and annulled it for her, but the father did not suffice to hear it before the husband died, the father goes and nullifies the portion of the husband. Said R. Nathan, “This is in point of fact the position of the House of Shammai, but the House of Hillel say, “He cannot nullify the vow” (T. **Ned. 6: 4**).

**2. I:3:** The question was raised: Is issuing a writ of divorce equivalent to silence in the context of a vow, or is it regarded as equivalent to confirming the vow?

**LXXV. Mishnah-Tractate Nedarim 10:4**

**A. THE WAY OF A DISCIPLE OF SAGES IS THIS: BEFORE HIS DAUGHTER GOES FORTH FROM HIS HOME, HE SAYS TO HER, “ALL VOWS WHICH YOU VOWED IN MY HOUSE, LO, THEY ARE ANNULLED.” AND SO THE HUSBAND, BEFORE SHE ENTERS HIS DOMAIN, SAYS TO HER, “ALL VOWS WHICH YOU VOWED BEFORE YOU CAME INTO MY DOMAIN, LO, THEY ARE ANNULLED.” FOR AFTER SHE ENTERS HIS DOMAIN, HE CANNOT ANNUL THOSE PRIOR VOWS ANY MORE.**

**1. I:1:** R. Ammi bar Hama raised this question: “What is the law on the husband’s nullifying the vow without having heard it? Is ‘And her husband heard it’ (Num. 30: 8) what Scripture states in particular, or is that detail not one meant in particular?”

**2. I:2:** R. Ammi bar Hama raised this question: “What is the law on a deaf man’s nullifying his wife’s vows? If you maintain that the husband may nullify the vow without hearing it, it is because it is something that he can have heard. But the deaf man, who cannot have heard it, would then not be able to nullify it, in line with what R. Zira said. For said R. Zira, ‘In the case of whatever is suitable for mingling, mingling is not essential, and in the case of whatever is not suitable for mingling, mingling is indispensable’ Cashdan, Menahot: in Zira’s view the law is that mingling can be omitted so long as it is possible to do so if one wants, and the Mishnah’s rule would mean that no oil at all was poured in. Or perhaps ‘and her husband heard it...’ is not essential?”

**3. I:3:** The question was raised: “What is the law on the husband’s nullifying vows stated by his two wives simultaneously? Is the reference of the verse to ‘it’ meant literally? Or is it not literal?”



## **LXXVI. Mishnah-Tractate Nedarim 10:5**

**A. A GROWN-UP WHO WAITED TWELVE MONTHS, AND A WIDOW WHO WAITED THIRTY DAYS – R. ELIEZER SAYS, “SINCE HER HUSBAND IS LIABLE TO SUPPORT HER, HE ANNULS HER VOWS.” AND SAGES SAY, “THE HUSBAND DOES NOT ANNUL HER VOWS UNTIL SHE ENTERS HIS DOMAIN.”**

1. I:1: Said Rabbah, “R. Eliezer and the original Mishnah say the same thing, for we have learned in the Mishnah: They give a virgin twelve months to provide for herself from the time that the husband has demanded her. And just as they give a time of preparation to the woman, so they give a time of preparation to a man to provide for himself. And to a widow they give thirty days. If the time came and he did not marry her, she in any event is supported. And she eats food in the status of priestly rations if he is a priest, and she is not – R. Tarfon says, “They give her all of her support in food in the status of priestly rations.” R. Aqiba says, “Half in unconsecrated produce and half in food in the status of priestly rations.” The levir cannot feed food in the status of priestly rations to the sister-in-law who is widowed at the stage of betrothal and is awaiting consummation of the levirate marriage (M. **Yeb. 7: 4**). If she had waited six months for the husband M. 5:2A, and six months awaited the levir, or even if all of them were waiting for the husband but only one day was spent waiting for the levir, or all of them were awaiting the levir, except one day awaiting the husband, she does not eat food in the status of priestly rations. This is the first Mishnah. The succeeding court ruled: ‘The woman does not eat food in the status of priestly rations until she enters the marriage canopy’ (M. **Ket. 5:2-3**).”

## **LXXVII. Mishnah-Tractate Nedarim 10:6**

**A. A DECEASED CHILDLESS BROTHER’S WIDOW AWAITING LEVIRATE MARRIAGE, WHETHER WITH A SINGLE LEVIR OR WITH TWO LEVIRS – R. ELIEZER SAYS, “HE ANNULS HER VOWS.” R. JOSHUA SAYS, “THAT IS THE CASE WITH ONE BUT NOT WITH TWO.” R. AQIBA SAYS, “THAT IS THE CASE NEITHER WITH ONE NOR WITH TWO.” SAID R. ELIEZER, “NOW IF IN THE CASE OF A WOMAN WHOM HE ACQUIRED FOR HIMSELF, LO, HE ANNULS HER VOWS, A WOMAN WHO IS ACQUIRED FOR HIM BY HEAVEN, IS IT NOT LOGICAL THAT HE SHOULD ANNUL HER VOWS?” SAID TO HIM R. AQIBA, “NO. IF YOU HAVE SO STATED THE RULE IN REGARD TO A WOMAN WHOM HE HAS ACQUIRED FOR HIMSELF, THE FACT IS THAT OTHERS HAVE NO CLAIM ON HER. BUT WILL YOU SAY THE SAME IN THE CASE OF A WOMAN ACQUIRED IN HIS BEHALF BY HEAVEN, IN WHOM OTHERS OTHER LEVIRS HAVE A CLAIM?” SAID TO HIM R. JOSHUA, “AQIBA, YOUR ARGUMENT APPLIES IN THE CASE OF TWO LEVIRS. WHAT WILL YOU SAY IN THE CASE OF ONE LEVIR?” HE SAID TO HIM, “A DECEASED CHILDLESS BROTHER’S WIDOW IS NOT WHOLLY BETROTHED TO THE LEVIR ALONE IN THE WAY IN WHICH A BETROTHED GIRL IS WHOLLY BETROTHED TO HER HUSBAND.”**

1. I:1: There is no problem in understanding the view of R. Aqiba, for he holds that there is no levirate bond even in the case of one for the levir cannot annul vows, though a husband can and according to R. Joshua, there can be a levirate bond

where there is only one levir but not where there are two since in the former case, we know whom she will marry. But from the perspective of R. Eliezer, while there is a levirate bond, we can understand why in the case of one he may annul the vows, but why in the case of two?

a. I:2: Continuation of the foregoing.

b. I:3: Continuation of the foregoing.

I. I:4: Tannaite recapitulation.

A. I:5: Gloss.

## **LXXVIII. Mishnah-Tractate Nedarim 10:7**

**A. HE WHO SAYS TO HIS WIFE, “ALL VOWS WHICH YOU WILL VOW FROM THIS TIME UNTIL I RETURN FROM SUCH-AND-SUCH A PLACE, LO, THEY ARE CONFIRMED,” HAS SAID NOTHING WHATSOEVER. IF HE SAYS, “LO, THEY ARE ANNULLED” – R. ELIEZER SAYS, “IT IS ANNULLED.” AND SAGES SAY, “IT IS NOT ANNULLED.” SAID R. ELIEZER, “IF HE ANNULLED VOWS WHICH HAVE THE FORCE OF A PROHIBITION, WILL HE NOT ANNUL VOWS WHICH HAVE NOT HAD THE FORCE OF A PROHIBITION?” THEY SAID TO HIM, “LO, SCRIPTURE SAYS, ‘HER HUSBAND WILL CONFIRM IT AND HER HUSBAND WILL ANNUL IT’ (NUM. 30:14) – THAT WHICH ENTERS THE CATEGORY OF CONFIRMATION ENTERS THE CATEGORY OF ANNULMENT. THAT WHICH DOES NOT ENTER INTO THE CATEGORY OF CONFIRMATION DOES NOT ENTER INTO THE CATEGORY OF ANNULMENT.”**

1. I:1: The question was raised: In the theory of R. Eliezer, do the vows take effect and then are annulled, or perhaps they never take effect at all?

## **LXXIX. Mishnah-Tractate Nedarim 10:8**

**A. THE ANNULMENT OF VOWS MAY BE DONE ALL DAY LONG. THERE IS IN THIS MATTER A BASIS FOR A LENIENT RULING AND FOR A STRINGENT RULING. HOW SO? IF SHE VOWED ON THE NIGHT OF THE SABBATH, THE HUSBAND ANNULS THE VOW ON THE NIGHT OF THE SABBATH AND ON THE SABBATH DAY, DOWN TO NIGHTFALL. BUT IF SHE VOWED JUST BEFORE NIGHTFALL, HE ANNULS THE VOW ONLY UNTIL IT GETS DARK. FOR IF IT SHOULD GET DARK AND HE SHOULD NOT ANNUL THE VOW, HE CANNOT ANNUL THE VOW ANY LONGER.**

1. I:1: It has been taught on Tannaite authority: The annulment of vows may be done all day long. R. Yosé b. R. Judah and R. Eliezer b. R. Simeon say, “Twenty-four hours from the taking of the vow” (T. [Ned. 6:1A](#)).

a. I:2: Said R. Simeon b. Pazzi said R. Joshua b. Levi, “The decided law is not in accord with the opinion of that pair of authorities.”

I. I:3: Case.

2. I:4: We have learned in the Mishnah elsewhere: They abrogate vows on the Sabbath. And on the Sabbath they receive applications for the nullification of vows concerning matters which are required for the Sabbath (M. Shab. 24:5A-B). So the question was raised: Do they abrogate on the Sabbath vows only if it is

necessary for purposes of the Sabbath observance, or perhaps that is not a condition upon which sages insist?

**3. I:5:** And on the Sabbath they receive applications for the nullification of vows concerning matters which are required for the Sabbath (M. **Shab. 24:5A-B**). The question was raised: Is that the rule only if he had no time to do so prior to the Sabbath, or even if he had time to do so prior to the Sabbath does that rule apply?

**4. I:6:** R. Joseph considered ruling, “Inquiries are accepted on the Sabbath in the case of an individual who is expert, but not in the case of three common folk who are not experts in the matter, because these latter would appear to be a court convened on the Sabbath.”

**5. I:7:** Said R. Abba said R. Huna said Rab, “The decided law is that at night they nullify vows.”

**6. I:8:** Said Raba said R. Nahman, “The decided law is that they accept inquiries concerning the nullification of vows while standing, doing so as an individual, conducting the proceeding at night, on the Sabbath, even if related to the party in question, and even if the people had time to do it while it was still day prior to the Sabbath.”

**7. I:9:** It has been taught on Tannaite authority: He who says to his wife, “All the vows that you may take – I object to your taking vows,” or, “They are not vows” – has said nothing whatsoever. “Well done,” “There is no one like you,” “if you hadn’t vowed, I would have imposed a vow on you” – these statements of his are effective (cf. T. **Ned. 6:1H-J**).

**8. I:10:** It has been taught on Tannaite authority: The House of Shammai say, “On the Sabbath he nullifies it in his heart, and on a weekday he makes an explicit statement to the same effect.” And the House of Hillel say, “The same rule applies to both cases: He may nullify it in his heart, and he does not have to make an explicit statement to the same effect.”

**9. I:11:** Said R. Yohanan, “A sage who made a statement in the language that a husband would use, or a husband who made a statement in the language that a sage would use, has said nothing.”

**10. I:12:** Furthermore it has been taught on Tannaite authority: “This is the thing that the Lord has commanded” (Num. 30: 2) – the husband nullifies the vow, and the sage does not nullify the vow. For one might to the contrary have supposed, if the husband, who cannot release the vow, has the power to nullify the vow, the sage, who does have the power to release the vow, surely should have the power also to nullify the vow! Scripture therefore says, “This is the thing that the Lord has commanded” (Num. 30: 2) – the husband nullifies the vow, and the sage does not nullify the vow.

**11. I:13:** Here we find, “This is the thing that the Lord has commanded” (Num. 30: 2), and elsewhere, in the context of making sacrifices outside of the Temple court, it is written, “This is the thing that the Lord has commanded” (Lev. 17: 2). Just as in the latter case, Aaron and his sons as well as all Israelites are covered by the law, so the chapter on vows pertains to Aaron, his sons, and all

Israel. And just as here, the address is to the heads of the tribes, so there, too, the reference is to the heads of the tribes.

**12. I:14:** Said R. Yohanan, “He who in order to bait his wife keeps silence when his wife vows may subsequently nullify the vow, even ten days later.”

### **LXXX. Mishnah-Tractate Nedarim 11:1-2**

**A. AND THESE ARE THE VOWS THAT HE ANNULS: MATTERS OF INFLICTING SELF-PUNISHMENT = AFFLICHTING THE SOUL (NUM. 30:13), FOR EXAMPLE:**

**1. I:1:** Can he annul only vows of inflicting self-punishment, but not vows that do not inflict self-punishment? But has it not been taught on Tannaite authority: “Between a man and his wife, between a father and his daughter” (Num. 30:17) – this teaches that a husband may nullify vows that affect the relationship between him and her.

**B. “...IF I SHALL WASH,” OR “IF I SHALL NOT WASH,” “...IF I SHALL ADORN MYSELF,” OR “...IF I SHALL NOT ADORN MYSELF.”**

**1. II:1:** What is the sense of this statement? Should I say that she said, “Qonam be the produce of the world to me if I wash”? Then let her just not wash, and the produce of the world won’t be forbidden to her. Not only so, but could R. Yosé allege in such a case as this that These are not vows which inflict self-punishment? Maybe she will wash, so that the produce of the world will be forbidden to her!

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

**3. II:3:** Now did rabbis maintain that the matter of washing or not washing involves self-punishment? And by way of contradiction: Even though all of these are forbidden on the Day of Atonement, the penalty of extirpation is incurred only on account of eating, drinking, and working. Now, if you maintain that not washing involves self-punishment, then, if one has washed on the Day of Atonement, one should incur the penalty of extirpation!

**4. II:4:** There is a conflict between the present statement of R. Yosé and another statement of his, specifically: With regard to a well of water belonging to the townsfolk, if it is a question of their own lives or those of outsiders, their own lives take precedence; if it involves their own cattle or the cattle of outsiders, their own cattle take precedence over those of outsiders; if it involves their own laundry or that of outsiders, doing their own laundry takes precedence over doing that of others. But if the choice involves using the water for saving the lives of outsiders or for doing their own laundry, the lives of outsiders take precedence over doing their own laundry. R. Yosé says, “Doing their own laundry takes precedence over saving the lives of outsiders” (cf. T. **B.M. 11:33-37**). Now if merely not to do laundry, said R. Yosé, involves anguish, how much the more so not washing the body!

**a. II:5:** Gloss of a detail of the foregoing.

b. II:6: As above.

**C. SAID R. YOSÉ, “THESE ARE NOT VOWS WHICH INFLICT SELF-PUNISHMENT. AND WHAT ARE THOSE VOWS WHICH DO INFLICT SELF-PUNISHMENT?”**

1. III:1: The question was raised: In R. Yosé’s opinion, what is the law on his nullifying vows on grounds that they involve the relationship between him and her?

a. III:2: Tannaite recapitulation.

I. III:3: Gloss of the foregoing.

2. III:4: Raba asked R. Nahman, “From the perspective of rabbis is a vow concerning sexual relations one that entails self-punishment or is this a matter that affects the relationship between him and her?”

3. III:5: Said Samuel in the name of Levi, “All vows a husband nullifies for his wife, except for the one, ‘Pleasure deriving from me is forbidden to Mr. So-and-so,’ which he may not nullify. But if she said, ‘The pleasure of So-and-so is forbidden from me,’ he nullifies that vow.”

**D. “IF SHE SAID, ‘QONAM TO ME BE THE PRODUCE OF THE WORLD,’ LO, THIS SORT OF VOW HE DOES HAVE THE POWER TO ANNUL. IF SHE SAID, ‘QONAM BE TO ME THE PRODUCE OF THIS PROVINCE,’ LET HIM BRING HER PRODUCE FROM ANOTHER PROVINCE. IF SHE SAID, ‘QONAM BE THE PRODUCE OF THIS STALL FOR ME,’ HE CANNOT ANNUL THAT VOW. BUT IF HE DERIVED HIS PROVISIONS FROM THAT PARTICULAR STORE ALONE, LO, THIS ONE MAY ANNUL THE VOW” THE WORDS OF R. YOSÉ.**

1. IV:1: We have learned in the Mishnah: “If she said, ‘Qonam be to me the produce of this province,’ let him bring her produce from another province.” Said R. Joseph, “It means that she took the vow, Qonam be to me the produce of this province that you may bring.”

2. IV:2: Said R. Judah said Samuel, “If the wife took an oath not to eat two loaves of bread, one made of fine flour, the other of coarse flour, abstaining from one is self-denial, and abstention from the other is not self-denial – since the husband can nullify the vow in regard to the loaf of bread that represents self-punishment, he also may nullify the oath in respect to the other loaf of bread.” And R. Assi said R. Yohanan said, “He may nullify only the vow that pertains to self-punishment, but not the vow that pertains to the other loaf.”

**LXXXI. Mishnah-Tractate Nedarim 11:3**

**A. IF SHE SAID, “QONAM IF I DERIVE BENEFIT FROM ANYBODY,” HE HAS NOT GOT THE POWER TO ANNUL THAT VOW.**

1. I:1: It follows that she derives her support from what belongs to the husband otherwise this would be a vow of self-punishment, which he nullifies, and it is to be inferred furthermore that for the purposes of this vow the husband is not classified as “anybody.”

**B. AND SHE MAY DERIVE BENEFIT FROM GLEANINGS, THE FORGOTTEN SHEAF, AND THE CORNER OF THE FIELD (LEV. 19: 9, DEU. 24:19).**

1. II:1: But the Tannaite formulation does not include reference to tithe given to the poor! But has it not been taught on Tannaite authority: she may derive benefit from the tithe given to the poor?

**C. IF SHE SAID, “QONAM BE THE BENEFIT PRIESTS AND LEVITES DERIVE FROM ME,” THEY COLLECT THEIR DUES BY FORCE. IF SHE SAID, “QONAM BE THE BENEFIT THESE PARTICULAR PRIESTS AND LEVITES DERIVE FROM ME,” OTHERS COLLECT THE PRIESTLY DUES FROM HER.**

1. III:1: Therefore it follows that the good will accruing for the gift of priestly donations to the priesthood is regarded as having no monetary value.

### **LXXXII. Mishnah-Tractate Nedarim 11:4**

**A. IF SHE SAID, “QONAM IF I WORK FOR FATHER,” OR “FOR YOUR FATHER,” OR “...FOR YOUR BROTHER,” HE CANNOT ANNUL THAT VOW. IF SHE SAID, “QONAM IF I WORK FOR YOU,” HE NEED NOT ANNUL THAT VOW, WHICH IS NULL TO BEGIN WITH. R. AQIBA SAYS, “LET HIM ANNUL IT, LEST SHE PLACE A BURDEN UPON HIM MORE THAN IS APPROPRIATE FOR HIM.” R. YOHANAN B. NURI SAYS, “LET HIM ANNUL IT, LEST HE DIVORCE HER, AND SHE BE PROHIBITED FROM RETURNING TO HIM.”**

1. I:1: Said Samuel, “The decided law is in accord with the position of R. Yohanana b. Nuri.”

### **LXXXIII. Mishnah-Tractate Nedarim 11:5**

**A. IF HIS WIFE TOOK A VOW AND HE THOUGHT THAT HIS DAUGHTER HAD TAKEN A VOW, IF HIS DAUGHTER TOOK A VOW AND HE THOUGHT THAT HIS WIFE HAD TAKEN A VOW, IF SHE VOWED A NAZIRITE VOW AND HE THOUGHT SHE HAD VOWED BY QORBAN, IF SHE VOWED BY QORBAN, AND HE THOUGHT THAT SHE HAD VOWED A NAZIRITE VOW, IF SHE VOWED NOT TO EAT FIGS, AND HE THOUGHT SHE HAD VOWED NOT TO EAT GRAPES, IF SHE VOWED NOT TO EAT GRAPES AND HE THOUGHT SHE HAD VOWED NOT TO EAT FIGS – LO, THIS ONE SHOULD GO BACK AND ANNUL THE VOW AGAIN.**

1. I:1: Shall we then conclude that the language, “if her husband disallow her” (Num. 30: 9) then imposes a precise requirement as to detail? And lo, with respect to tearing the clothing in mourning for the dead, in which instance we find the language, for...for..., in the verse, “Then David took hold on his clothes and tore them...for Saul and for Jonathan his son” (2Sa. 1:11-12), and yet it has been taught on Tannaite authority: If they told someone that his father had died and he tore his clothes, and afterward it turned out that it was his son, he has nonetheless carried out his obligation to tear his clothes!

### **LXXXIV. Mishnah-Tractate Nedarim 11:6**

**A. IF SHE SAID, “QONAM BE THESE FIGS AND GRAPES IF I TASTE THEM,” IF HE CONFIRMED THE VOW CONCERNING FIGS, THE WHOLE IS DEEMED CONFIRMED. IF**

**HE ANNULLED THE VOW CONCERNING FIGS, IT IS NOT DEEMED ANNULLED UNTIL HE ANNULS THE VOW CONCERNING GRAPES TOO.**

**1. I:1: Who is the authority behind this unattributed Mishnah paragraph of ours?**

**B. IF SHE SAID, “QONAM BE FIGS IF I TASTE THEM, AND GRAPES IF I TASTE THEM,” LO, THESE ARE DEEMED TWO DISTINCT VOWS.**

**1. II:1: Who is the authority behind this unattributed Mishnah paragraph of ours?**

### **LXXXV. Mishnah-Tractate Nedarim 11:7**

**A. IF HE SAID, “I WAS AWARE THAT THERE ARE VOWS, BUT I WAS NOT AWARE THAT THERE IS THE POSSIBILITY OF ANNULING THEM,” HE MAY ANNUL THE VOW. IF HE SAID, “I WAS AWARE THAT THERE IS THE POSSIBILITY OF ANNULING VOWS, BUT I WAS NOT AWARE THAT THIS PARTICULAR STATEMENT WAS A VOW,” R. MEIR SAYS, “HE MAY NOT ANNUL THE VOW.” AND SAGES SAY, “HE MAY ANNUL THE VOW.”**

**1. I:1: By way of contradiction: “But if he thrust him suddenly...not seeing him...and the congregation of judges shall judge...and restore him to the city of refuge” (Num. 35:22-25): ‘...not seeing him’ excludes a blind person from the law,” the words of R. Judah. R. Meir says, “‘...not seeing him’ includes the blind person.”**

### **LXXXVI. Mishnah-Tractate Nedarim 11:8**

**A. HE WHO WAS PROHIBITED BY VOW FROM IMPARTING ANY BENEFIT TO HIS SON-IN-LAW BUT WHO WANTS TO GIVE HIS DAUGHTER SOME MONEY SAYS TO HER, “LO, THIS MONEY IS GIVEN TO YOU AS A GIFT, ON CONDITION THAT YOUR HUSBAND HAS NO RIGHT TO IT, BUT YOU DISPOSE OF IT FOR YOUR OWN PERSONAL USE.”**

**1. I:1: Said Rab, “This Tannaite rule pertains only to a case in which he said to her, but you dispose of it for your own personal use. But if he said, ‘Whatever you want, do with it,’ – the husband acquires title to the money.” And Samuel says, “Even if he said, ‘Whatever you want, do with it,’ – the husband does not acquire title to the money.”**

### **LXXXVII. Mishnah-Tractate Nedarim 11:9**

**A. “BUT THE VOW OF A WIDOW OR A DIVORCÉE SHALL STAND AGAINST HER” (NUM. 30: 9): HOW SO? IF SHE SAID, “LO, I SHALL BE A NAZIR AFTER THIRTY DAYS,” EVEN THOUGH SHE WAS MARRIED DURING THE THIRTY DAYS, HE WHOM SHE MARRIED HAS NOT GOT THE POWER TO ANNUL HER VOW. IF SHE TOOK A VOW AND SHE WAS IN THE DOMAIN OF THE HUSBAND, HE ANNULS THE VOW FOR HER. HOW SO? IF SHE SAID, “LO, I SHALL BE A NAZIR AFTER THIRTY DAYS,” IF THE HUSBAND ABROGATED THE VOW, EVEN THOUGH SHE WAS WIDOWED OR DIVORCED WITHIN THIRTY DAYS, LO, THIS VOW IS ANNULLED IF SHE TOOK A VOW ON THAT VERY DAY AND WAS DIVORCED ON THE SAME DAY AND REMARRIED TO THE SAME MAN ON THE SAME DAY, HE CANNOT ANNUL THE VOW.**



1. I:1: It has been taught on Tannaite authority: A widow or a divorcée who said, “Lo, I shall be a Nazirite when I am married,” and who then got married – R. Ishmael says, “He may annul such a vow.” R. Aqiba says, “He may not annul such a vow.” A married woman who said, “Lo, I shall be a Nazirite when I am divorced,” and who was divorced – R. Ishmael says, “He may not annul such a vow.” R. Aqiba says, “He may annul such a vow.” Said R. Ishmael, “Behold it is said, ‘But any vow of a widow or of a divorcée, anything by which she has bound herself, shall stand against her’ (Num. 30: 9) – so long as it be a vow that takes place at the time at which she is a widow or a divorcée.” R. Aqiba takes the view, “Lo, Scripture says, ‘By which she has bound herself shall stand against her’ – so long as it be a prohibition binding at the moment at which she binds herself” (T. Ned. 7:5A-H).

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

**B. THIS IS THE GENERAL PRINCIPLE: IN THE CASE OF ANY WOMAN WHO HAS GONE FORTH INTO HER OWN DOMAIN FOR A SINGLE MOMENT – HE HAS NOT GOT THE POWER TO ANNUL THE VOWS.**

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

### **LXXXVIII. Mishnah-Tractate Nedarim 11:10**

**A. IN THE CASE OF NINE SORTS OF GIRLS, THEIR VOWS ARE VALID AND NOT SUBJECT TO ABROGATION: A GIRL WHO VOWED WHEN PAST MATURITY WHO IS AN ORPHAN IN HER FATHER’S LIFETIME; A GIRL WHO VOWED AS A MINOR GIRL AND THEN PASSED MATURITY AND IS AN ORPHAN IN HER FATHER’S LIFETIME; A GIRL WHO VOWED BEFORE SHE REACHED MATURITY AND IS AN ORPHAN IN HER FATHER’S LIFETIME; A GIRL WHO VOWED PAST MATURITY WHOSE FATHER DIED; A GIRL WHO VOWED AS A MINOR AND THEN PASSED MATURITY WHOSE FATHER DIED; A GIRL WHO VOWED BEFORE SHE REACHED MATURITY AND WHOSE FATHER DIED; A GIRL WHOSE FATHER DIED, AND WHO VOWED AND AFTER THE DEATH OF HER FATHER, SHE PASSED MATURITY; A GIRL WHO VOWED PAST MATURITY WHOSE FATHER IS ALIVE; A GIRL WHO PASSED MATURITY AND THEN VOWED AND WHOSE FATHER IS ALIVE. R. JUDAH SAYS, “ALSO: HE WHO MARRIES OFF HIS MINOR**



**DAUGHTER AND SHE WAS WIDOWED OR DIVORCED AND CAME BACK HOME TO HIM – SHE IS STILL DEEMED A GIRL SUBJECT TO THE ABROGATION OF HER VOWS BY THE FATHER.”**

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

### **LXXXIX. Mishnah-Tractate Nedarim 11:11**

**A. IF SHE SAID, “QONAM BE ANY BENEFIT I HAVE OF FATHER...,” “OF YOUR FATHER..., IF I DO ANY WORK FOR YOU,” “...IF I DERIVE BENEFIT FROM YOU, IF I WORK FOR MY FATHER,” “...IF I WORK FOR YOUR FATHER,” LO, THIS ONE HE ANNULS.**

**1. I:1:** It has been taught on Tannaite authority: “...that I shall not derive benefit from my father,” or, “...your father, if I prepare anything for you” – R. Nathan says, “He cannot nullify that vow. And sages say, “He can nullify that vow” (T. **Ned. 7: 7**). “...I shall be removed from the Jews if I perform an act of service for you” – R. Nathan says, “He cannot nullify that vow. And sages say, “He can nullify that vow” (T. **Ned. 7: 8**).

**a. I:2:** Case.

### **XC. Mishnah-Tractate Nedarim 11:12**

**A. IN TIMES PAST THEY DID RULE: THREE SORTS OF WOMEN GO FORTH AND COLLECT THEIR MARRIAGE CONTRACT: SHE WHO SAYS, “I AM UNCLEAN FOR YOU,” “HEAVEN KNOWS WHAT IS BETWEEN YOU AND ME NAMELY, YOUR IMPOTENCE, “I AM REMOVED FROM HAVING SEXUAL RELATIONS WITH ALL THE JEWS.” THEY REVERTED TO RULE: SO THAT A WOMAN SHOULD NOT COVET SOMEONE ELSE AND SPOIL HER RELATIONSHIP WITH HER HUSBAND, BUT: SHE WHO SAYS, “I AM UNCLEAN FOR YOU,” MUST BRING PROOF FOR HER CLAIM. SHE WHO SAYS, “HEAVEN KNOWS WHAT IS BETWEEN YOU AND ME” – LET THEM FIND A WAY TO APPEASE HER. SHE WHO SAYS, “I AM REMOVED FROM ALL THE JEWS,” LET HIM ANNUL HIS SHARE IN THE VOW, SO THAT SHE MAY HAVE SEXUAL RELATIONS WITH HIM, BUT LET HER BE REMOVED FROM ALL THE OTHER JEWS.**

**1. I:1:** ...she who says, I am unclean for you: The question was raised: If she said to her husband, “I am unclean for you,” what is the law as to her continuing to eat priestly rations if the husband is a priest? R. Sheshet said, “She may continue to eat priestly rations, so as not to ruin the reputation of her children.” Raba said, “She may not continue to eat priestly rations, it is possible for her to eat unconsecrated food and continue to be supported by him, so no one will have to suppose on the basis of appearances that the children are invalid.”

**a. I:2:** Said R. Pappa, “Raba examined us: The wife of a priest who was raped – does she have the right to receive her marriage settlement or does she not have the right to receive her marriage settlement? Since a sexual relationship that is a rape so far as the priesthood is concerned, is

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

**2. I:3:** The question was raised: If she said to her husband, "You have divorced me," what is the rule?

**a. I:4:** Case.

**b. I:5:** Case.

**c. I:6:** Case.

**d. I:7:** Case.

## **Points of Structure**

### **1. DOES BABYLONIAN TALMUD-TRACTATE NEDARIM FOLLOW A COHERENT OUTLINE GOVERNED BY A CONSISTENT RULES?**

By examining the statements of the Mishnah we can explain the location of every composite and most compositions. Nearly all are situated where they are because of the requirements of Mishnah-exegesis, or because of an interest in a secondary amplification of a problem of Mishnah-exegesis. The tractate is no different from any other in its coherent program, which is dictated solely by the Mishnah's counterpart.

### **2. WHAT ARE THE SALIENT TRAITS OF ITS STRUCTURE?**

The order and program of all primary composites — those attached to a Mishnah-paragraph — derive from the sequence of statements made by the Mishnah-tractate. There is no other source of order, nor does any agenda other than that of the Mishnah play a role.

### **3. WHAT IS THE RATIONALITY OF THE STRUCTURE?**

It follows that compositions and composites that themselves bear no affinity for one another hold together because of their reference-point in common to the Mishnah.

### **4. WHERE ARE THE POINTS OF IRRATIONALITY IN THE STRUCTURE?**

These are indicated in the catalogue given below.

## Points of System

### **1. DOES THE BABYLONIAN TALMUD-TRACTATE NEDARIM SERVE ONLY AS A REPRESENTATION OF THE MISHNAH-TRACTATE OF THE SAME NAME?**

Because of the omission of discussion for a sizable number of Mishnah-pericopes, the Talmud-tractate does not adequately serve as a re-presentation of the Mishnah-tractate. But it serves no other purpose. So while it may be distinguished from other tractates by reason of the paucity of sustained discussions and secondary developments of primary exegetical initiatives, such as are common elsewhere, still the tractate falls well within the parameters of all others in its basic structural qualities.

### **2. HOW DO THE TOPICAL COMPOSITES FIT INTO THE TALMUD-TRACTATE AND WHAT DO THEY CONTRIBUTE THAT THE MISHNAH-TRACTATE OF THE SAME NAME WOULD LACK WITHOUT THEM?**

I present the account in three sections. On the left hand margin are important propositional composites that do not address the Mishnah's propositions but do affect them. At the right are the composites that complement the Mishnah's statements with topically relevant amplifications or that carry forward the Mishnah's principle to new data. Finally, I underline and also position in the center column large composites that strike me as entirely out of phase with the Mishnah, lacking all point of contact, whether topical or in principle or even theme, broadly construed. Identifying these items and distinguishing them from those on the right hand margin involve a measure of subjectivity, and for that reason, I have tried to impose the most rigorous and narrowest possible definition of what is both free-standing and also affective of the rest. In the center I give those utterly anomalous composites that ignore the principle of propositional or at least topical cogency altogether.

I:D: COMPOSITE of Sayings  
by R. Giddal-Rab on the General Theme  
of Personal Acts of Piety

XIV:C: Topical Appendix in  
the Matter of Adultery

XV:B: Topical Composite on  
Losing One's Temper,  
Deemed the Basis for Taking Vows

XXX:B:Topical Composite  
on Abraham

XXXIV:D: Topical Appendix on  
the Correct Way of  
Writing and Reading Scripture

XXXVI:B: Topical Composite on  
the Matter of Korach and His Sect

XLV:D: Topical Composite Concerning  
Eating Various Types of Food

XLV:F: Miscellany Concerning  
Food: Marks of Poverty or Wealth

LX:A: Free-Standing Problem,  
to which the Foregoing  
Makes a Factual Contribution

LXII:C: Not Utilizing the Torah and  
Commandments for  
an Inappropriate Purpose

Two points of interest capture our attention, first, the extended statement on how losing one's temper causes vow-taking, surely implicit in the Mishnah-tractate itself but nicely articulated; and, second, the insertion of a free-standing demonstration of a proposition with no bearing on our tractate but utilizing facts thereof for its own purpose, a kind of composition or composite we find here and there. Otherwise all we have before us is a set of topical appendices, which provide information deemed useful, if not essential, in the exposition of the tractate's topical program.

### **3. CAN WE STATE WHAT THE COMPILERS OF THIS DOCUMENT PROPOSE TO ACCOMPLISH IN PRODUCING THIS COMPLETE, ORGANIZED PIECE OF WRITING?**

The compilers put together a fairly systematic exegesis of most, though not all, of the Mishnah-tractate's statements, and that is all. They have not changed our reading of its topic, with the stated exception, and their topical appendices do not enrich our appreciation of the tractate's larger context of meaning. The tractate compared to others is somewhat anomalous, covering less of the Mishnah-tractate than we ordinarily anticipate will be dealt with; but the presentation of the Mishnah-tractate by the Talmud follows the ordinary lines of order and takes up the familiar issues, beginning to end. It is quite clear that a single, and simple, program of exegesis guided the compilation of Talmud-tractates.