

HALAKHA

One prohibited by a vow from deriving benefit from another, etc. – **המוֹדֵר הַנָּאָה מִחֲבִירוֹ וְכוּ**: One who took a vow with the consent of another may have his vow dissolved only if he informs that person of the dissolution. This follows the variant text of the Rashba, which reads: One who vows for another in his presence. Rema cites an opinion stating that it is not enough to inform the other; the latter must agree to the dissolution of the vow. This ruling is based on the Maharik. Some later authorities hold that the *Shulhan Arukh* also agrees with this ruling (*Shakh*). The *halakha* applies only if he took the vow with the other's consent due to a favor the latter performed for him, but if the vow was of his own initiative, he does not need to consult the other in order to dissolve it. Rema also adds that according to some authorities, he must at least inform the other that he has dissolved the vow, so that the other should not suspect him of transgressing it. Even when he vowed with the agreement of another due to a favor he did for him, if the vow was dissolved without the latter's knowledge, it is dissolved after the fact, but a court that acts in this manner should be reprimanded (*Rosh*; *Smag*). The Ra'avad and the Rashba hold that such dissolution is invalid even after the fact (*Rambam Sefer Hafl'a'a, Hilkhhot Shevuot* 6:7; *Shulhan Arukh, Yoreh De'a* 228:20).

תַּנְיָא: הַמוֹדֵר הַנָּאָה מִחֲבִירוֹ – אֵין מִתְיָרֵן לֹא אֶלָּא בְּפָנָיו. מִנָּא הֵי מִלִּי? אָמַר רַב נַחֲמָן, דְּכִתְיִב 'וַיֹּאמֶר ה' אֶל מֹשֶׁה בְּמִדְיָן לֵךְ שׁוּב מִצְרַיִם כִּי מָתוּ כָּל הָאֲנָשִׁים' אָמַר לֹא: בְּמִדְיָן נִדְרַת – לֵךְ וְהִתֵּר נְדָרְךָ בְּמִדְיָן. דְּכִתְיִב 'וַיֹּאמֶר מֹשֶׁה', אֵין אֵלָּה אֶלָּא שְׁבוּעָה, דְּכִתְיִב 'וַיִּבֵּא אֹתוֹ בְּאֶלֶּה'.

וְגַם בְּמִלְךְ נְבוּכַדְנֶצַּר מֶרַד אֲשֶׁר הִשְׁבִּיעוּ בְּאֵלֵהִים (חַיִּים). מֵאֵי מִרְדוּתָּהּ? אֲשֶׁר חִיָּה צְדָקְיָה לְנְבוּכַדְנֶצַּר דְּהוּהָ קְאָכִיל אַרְנָבָא חַיָּה. אָמַר לֵיהּ: אֵישְׁתַּבַּע לִי דְלֹא מְגִלִית עֵילוּי וְלֹא תִפּוֹק מִלְתָּא. אֵישְׁתַּבַּע.

לְסוֹף הוּהוּ קָא מְצַטְעַר צְדָקְיָהוּ בְּגוּפֵיהּ, אֵיתְשִׁיל אֲשִׁבוּעָתָהּ, וְאָמַר. שְׁמַע נְבוּכַדְנֶצַּר דְּקָא מְבוּז לֵיהּ, שְׁלַח וְאֵיתִי סְנַהֲדְרִין וְצְדָקְיָהוּ. אָמַר לְהוֹן: חַיִּיתוּן מֵאֵי קָא עֲבִיד צְדָקְיָהוּ? לֹא הָכִי אֵישְׁתַּבַּע בְּשֵׁמַא דְשָׁמַיָא 'דְלֹא מְגִלִינָא'? אָמְרֵי לֵיהּ: אֵיתְשִׁילִי אֲשִׁבוּעָתָא.

S It is taught in a *baraita* (*Tosefta* 2:12): With regard to one prohibited by a vow from deriving benefit from another,^{HN} they dissolve the vow for him only in the presence of the one who is the subject of the vow. The Gemara asks: From where are these matters derived? Rav Nahman said: As it is written: “And the Lord said to Moses in Midian: Go, return to Egypt; for all the men are dead” (Exodus 4:19). Rav Nahman notes that the verse specifies where God spoke to Moses, and explains that God said to him: In Midian you vowed to Yitro that you would not return to Egypt, go and dissolve your vow in Midian. And where does it say that Moses vowed to Yitro? For it is written: “And Moses was content [vayo’el] to dwell with the man” (Exodus 2:21). The word *vayo’el* is related to the word *ala*, and *ala* means nothing other than an oath, as it is written: “And he... brought him under an oath [ala]” (Ezekiel 17:13), and the *halakhot* of dissolution of oaths are identical to those of dissolution of vows.

The Gemara cites another proof that one may dissolve such a vow or oath only in the presence of the party affected by the vow or oath. It states with regard to King Zedekiah: “And he also rebelled against King Nebuchadnezzar, who had made him swear by God” (II Chronicles 36:13). The Gemara asks: What was his rebellion? The Gemara answers: Zedekiah found Nebuchadnezzar eating a live rabbit, and the latter was ashamed to be seen doing this. He said to him: Take an oath to me that you will not reveal my behavior and this matter will not emerge in public. Zedekiah took an oath to him.

Later, Zedekiah was physically suffering, as he wanted to tell people what he had seen, but he could not do so due to his oath. He requested dissolution of his oath from the judges of the Sanhedrin, who dissolved it for him, and he publicly said what he had witnessed. Nebuchadnezzar heard that he was being ridiculed for his behavior. He sent for and brought the Sanhedrin and Zedekiah before him. He said to them: Did you see what Zedekiah has done? Did he not take an oath in the name of Heaven: That I will not reveal? They said to him: He requested dissolution of the oath.

NOTES

One prohibited by a vow from deriving benefit from another, etc. – **המוֹדֵר הַנָּאָה מִחֲבִירוֹ וְכוּ**: This is stated in an aggadic teaching, and it serves as the basis for a significant number of practical *halakhot* pertaining to vows. There are many divergent rulings and explanations of these *halakhot*, based on varying interpretations of the incident involving Zedekiah. As this story is not presented as *halakha*, but in the manner of a narrative, there are differences of opinion with regard to which details are accepted as *halakha* and which are stated only in reference to the story. One dispute concerns whether this ruling applies each time one prohibits himself from deriving benefit from another, or only if the vow was actually stated in the presence of the other person. The Rambam holds that the ruling is in accordance with the first option. He explains that the reason behind this ruling is so that the individual who is the subject of the vow should know that he is now allowed to confer benefit on the one who stated the vow. The Ritva, based on one explanation in the Jerusalem Talmud, says that the reason for this ruling is to prevent the other person from suspecting him of violating

his vow were he to see him deriving benefit. He therefore writes that the ruling will apply if the vow was stated in the presence of the other person, or if it was stated publicly, in a way that enables the other person to hear about it. Many commentaries worked with a variant text that reads: One who vows from another in his presence. Because of the variant text, or because the Jerusalem Talmud expressly understands the case in this manner, most commentaries hold that he is required to dissolve the vow in the presence of the person mentioned in the vow only if the vow was initially stated in the presence of that individual. The Jerusalem Talmud provides a second reason for this ruling: In order to cause shame to the one who took the vow. Since dissolving the vow in the presence of the other will cause shame to the one who took the vow, he will dissolve it only when there is sufficient cause to do so. Some commentaries claim, based on the examples of Yitro and Zedekiah, that the presence of the other person is required only if the vow was for the benefit of the other person. There is also a dispute whether the requirement that the dissolution

be in his presence simply means that the other person must be informed of the dissolution of the vow, or whether his consent is required (see Rosh). Others hold that it is not sufficient to notify the other person of the dissolution; it must be dissolved when the other person is physically present. Some connect this question to the two reasons mentioned in the Jerusalem Talmud: If the reason is so that the other individual will not suspect him of violating his vow, it is enough that he is told the vow has been dissolved; but if it is in order to cause shame to the one who took the vow, he must dissolve the vow in the presence of the other person (see Ran). The early commentaries also disagree with regard to a case where a vow was not dissolved in the presence of the other person. Is the vow dissolved after the fact? Both opinions in this matter cite as proof the incident where the Sanhedrin dissolved the vow taken by Zedekiah. On the one hand, the story appears to show that such dissolution is effective, even though the court that does so is reprimanded; on the other hand, the conclusion of the story indicates that they acted entirely against *halakha* (Ra'avad).

That they removed the cushions from underneath them – שְׁשֵׁמֶטוּ כְּרִים מִתַּחְתֵּיהֶם: Students would usually sit on the floor, while the Sages and the heads of the academies would sit on pillows in order to be situated above the students so that the students could hear their words. When a Sage would pull a pillow out from beneath him (see *Bava Kamma* 117a), he was performing a symbolic gesture to show that he did not consider himself a Sage, and was therefore unworthy of sitting higher than the others.

NOTES

But are not like a new situation – וְאֵינָן כְּנוֹלָד: Some commentaries hold that since it does not constitute a new situation, they may broach dissolution by asking him if he regrets his vow, as his stated reason for taking the vow is no longer applicable (Commentary on *Nedarim*; Rosh). It is still necessary to dissolve the vow, for he did not explicitly state that his vow was on the condition of his assumption (see Rabbi Ovadya Bartenuira and *Tosefot Yom Tov*). Others hold that no dissolution is required at all, and the vow is automatically void, since the vow is considered to be a conditional vow (Rambam's Commentary on the Mishna, and see Rav Kapaḥ's version; Rambam *Sefer Hafla'a, Hilkhot Nedarim* 8:1–2).

Had already died, etc. – כִּבְרַי מֵת וְכוּ': Some commentaries hold that even though this vow was made based on incorrect information, it nevertheless requires dissolution.

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But are not like a new situation – וְאֵינָן כְּנוֹלָד: Whoever states upon taking a vow that he vowed for a particular reason, e.g., he said that he will not enter a particular house because it has a bad dog inside, then, if the dog dies, the vow is dissolved. Even if the dog dies after the vow has been stated, it is not considered a new situation, as stated by Rabbi Meir and explained by Rav Huna, in accordance with the version of the mishna that states that the Rabbis conceded to Rabbi Meir (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 8:1–2; *Shulḥan Arukh, Yoreh De'a* 232:19).

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I will not marry ugly so-and-so, etc. – כְּעֵרְוָה וְכוּ': One who took a vow that he would not marry a certain woman because she was ugly, and he later discovered that she was in fact beautiful at the time he took the vow, is considered to have taken the vow in error and is permitted to marry her (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 8:3; *Shulḥan Arukh, Yoreh De'a* 232:6).

– [אָמַר לָהֶן: מִתְּשַׁלְּיִן אֶשְׁבוּעַתָּא?] – אָמְרֵי לֵיהּ: אֵין. – אָמַר לָהֶן: בְּפָנָיו אִי אֶפְלוּ שְׁלֵא בְּפָנָיו? אָמְרֵי לֵיהּ: בְּפָנָיו. אָמַר לָהֶן: וְאַתָּן מֵאֵי עֲבָדִיתוּן, מֵאֵי טַעְמָא לֹא אָמְרִיתוּן לְזֶדֶקְיָהּ? מִיָּד – “שָׁבוּ לְאַרְצָא יְדִמוּ וְקִנְיַי בֵּית צִיּוֹן.” אָמַר רַבִּי יִצְחָק: שְׁשֵׁמֶטוּ פְּרִים מִתַּחְתֵּיהֶם.

He said to them: Can one request the dissolution of an oath? They said to him: Yes. He said to them: Must this be done in the presence of the person he took an oath to, or even not in his presence? They said to him: It must be dissolved in his presence. He said to them: And you, what did you do? What is the reason you did not say to Zedekiah that he can have his oath dissolved only in my presence? Immediately, they fulfilled the verse: “They sit upon the ground, and keep silence, the elders of the daughter of Zion” (Lamentations 2:10). Rabbi Yitzhak said: This means that they removed the cushions upon which they sat from underneath them,⁸ as a sign that they had erred in *halakha*.

מתני' רבי מאיר אומר: יש דברים שהן כנוול ואינן כנוול, ואין חכמים מודים לו. כיצד? אומר "קונם שאני נושא את פלונית שאביה רע", אומר לו: מת, או שעשה תשובה. "קונם לבית זה שאני נכנס שהכלב רע בתוכו או שהנחש בתוכו", אומר לו: מת הכלב, או שנהרג הנחש – הרי הן כנוול, ואינן כנוול. ואין חכמים מודים לו.

MISHNA As a continuation of the opinion of the Rabbis in the previous mishna that they may not broach dissolution of a vow based on a new situation, Rabbi Meir says: There are matters that are, at first glance, like a new situation but are not in fact like a new situation,^{NH} and the Rabbis do not concede to him. How so? For example, one said: Marrying so-and-so is *konam* for me, as her father is evil, and they told him that her father died, or that he repented. Or he said: Entering this house is *konam* for me, as there is a bad dog inside it, or a snake inside it, and they told him that the dog died, or that the snake was killed. This is at first glance perceived like a new situation, and yet it is not in fact like a new situation, and this claim may be used to broach dissolution. But the Rabbis do not concede to him.

גמ' "קונם שאני נכנס לבית זה שהכלב" וכו'. מת נולד הוא! אומר רב הונא: נעשה כתולה נדרו בדבר. ורבי יוחנן אומר: כבר מת, וכבר עשה תשובה קאמרי ליה.

GEMARA The mishna taught that according to Rabbi Meir certain matters are similar to, but in fact do not constitute a new situation, such as a vow which states: Entering this house is *konam* for me, as there is a bad dog there, where the *halakha* is that if the dog dies, it is not considered to be a new situation. The Gemara asks: Certainly death is a new situation. Rav Huna said: He is considered like one who makes his vow dependent on a matter. In other words, his vow is interpreted as conditional, that he will not enter the house as long as the dog is alive, for he explicitly stated that this was the reason for his vow. Therefore, when the dog dies, the vow is dissolved. And Rabbi Yoḥanan said it means that they say to him: The dog had already died,^N or: The father had already repented, before the vow, and it was a mistaken vow from the outset that never took effect.

Perek IX

Daf 65 Amud b

מתבי רבי אבא: "קונם שאני נושא לפלונית בעוה" והרי היא נאה: "שחורה" והרי היא לבנה: "קצרה" והרי היא ארוכה – מותר בה, לא מפני שבעוה"ה ונעשת נאה, שחורה ונעשת לבנה, קצרה ונעשת ארוכה – אלא שהנדר טעות. בשלמא לרב הונא, דאמר נעשה כתולה נדרו בדבר – תנא תולה נדרו בדבר, ותנא נדר טעות. אלא לרבי יוחנן, דאמר כבר מת וכבר עשה תשובה, למה לי למתני תרי זימני נדר טעות? קשיא.

Rabbi Abba raised an objection from a later mishna (66a): If a one said: I will not marry ugly so-and-so^H as that is *konam* for me, and she is in fact beautiful, or if he called her black, and she is in fact white, or if he called her short, and she is in fact tall, he is permitted to her. Not because she was ugly and became beautiful, black and became white, or short and became tall, but rather, because the vow was mistaken from the outset. Granted, according to Rav Huna, who said that he is considered like one who makes his vow dependent on a matter, the mishna here taught the case of one who makes his vow dependent on a matter, and it taught there the case of a mistaken vow. But according to Rabbi Yoḥanan, who said that the mishna here is referring to a situation where the dog had already died, or the father had already repented, why do I need the mishna to teach the *halakha* of a mistaken vow twice? The Gemara comments: This is difficult.

They may broach dissolution with him from that which is written in the Torah – פּוֹתְחִין לוֹ מִן הַכְּתוּב שֶׁבַּתּוֹרָה – The early commentaries ask: Since it was taught earlier (22a) that dissolution may not be broached by pointing out verses in the Torah that criticize those who take vows, why should the halakhic authority be able to broach dissolution by quoting these verses? One answer is that the verses in the earlier Gemara are highly critical of those who take vows, so one would not willingly admit to wanting to keep to his vow despite having been made aware of those verses, and he may lie and say that he would not have vowed had he been aware of them. Regular interpersonal prohibitions are not viewed with such severity, so there is no concern that he will lie (Ran). Others maintain that there is a difference between broaching dissolution through a verse that refers to the *halakha* of vows itself, and an extenuation that depends upon the outcome of a vow (Rabbi Natan bar Yosef; Ritva). This is similar to the *halakha* that dissolution is not broached by raising the issue of the honor of one's mother and father, but it is broached if the vow itself involved their honor.

With everyone else – בְּהַדֵּי כּוֹלֵי עֲלָמָא: A poor person is allowed to use the money he receives from the charity fund, even though some of it came from the one who vowed that he would not provide him with financial support, as he did not give it directly to him, but gave it to the charity collector, who distributes the money as he sees fit (Ran).

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They may broach dissolution with him from that which is written in the Torah – פּוֹתְחִין לוֹ מִן הַכְּתוּב שֶׁבַּתּוֹרָה – One who vowed not to lend an item to another, or not to inquire after his well-being, has his vow broached by asking him: Had you known when you took the vow that you are thereby transgressing the prohibitions: You shall not take vengeance, and: You shall not hate your brother in your heart, would you have vowed? If he replies that had he known this he would not have vowed, the vow is dissolved. The *halakha* follows the statement of Rabbi Meir in this mishna, as it is not disputed (Rambam *Sefer Hafla'a*, *Hilkhot Shevuot* 6:11; *Shulhan Arukh*, *Yoreh De'a* 228:10).

They may broach dissolution with a man by raising the issue of his wife's marriage contract – פּוֹתְחִין לְאָדָם בְּכַתּוּבַת אִשְׁתּוֹ: If one took a vow to divorce his wife, his vow can be dissolved by asking him: Would you have vowed had you known that you must pay off her marriage contract? If he answers that he would not have vowed, the vow is dissolved (*Shulhan Arukh*, *Yoreh De'a* 228:9).

מתני' ועוד אָמַר רַבִּי מֵאִיר: פּוֹתְחִין לוֹ מִן הַכְּתוּב שֶׁבַּתּוֹרָה, וְאוֹמְרִין לוֹ: אֵילוּ הָיִיתָ יוֹדֵעַ שְׂאֵתָה עוֹבֵר עַל "לֹא תִקֵּם" וְעַל "לֹא תִטֹּר" וְעַל "לֹא תִשָּׂא אֶת אָחִיךָ בְּלִבְבְּךָ" וְאֶהְבֶּתָ לְרֵעֲךָ כְּמוֹךָ" יוֹחֵי אָחִיךָ עִמָּךְ" שְׂהוּא עִנִּי וְאִין אַתָּה יָכוֹל לְפָרְסוֹ. אָמַר: אֵילוּ הָיִיתִי יוֹדֵעַ שְׂהוּא בֵּן – לֹא הָיִיתִי נוֹדֵר, הֲרִי זֶה מוֹתֵר.

גמ' אָמַר רַב הוּנָא בְּרַב קַטִּינָא לְרַבְנָן: נִימָא כּל דְּמַעֲנִי – לֹאֻ עָלֵי נְפִיל, מֵאִי דְּמַטִּי לִי לְפָרְסוֹ בְּהַדֵּי כּוֹלֵי עֲלָמָא – מְפָרְסֵנָא לִיהּ. אָמְרִי לִיהּ: אֲנִי אוֹמֵר כּל הַנּוֹפֵל – אֵינִי נוֹפֵל לְיַדֵּי גַבְאֵי תַחְלָה.

מתני' פּוֹתְחִין לְאָדָם בְּכַתּוּבַת אִשְׁתּוֹ.

וּמַעֲשֶׂה בְּאֶחָד שְׁנָדָר מֵאִשְׁתּוֹ הַנָּאָה, וְהִיתָה כְּתוּבָתָה אַרְבַּע מֵאוֹת דִּינָרִים. וּבֵא לְפָנֵי רַבִּי עֲקִיבָא, וְחִיִּיבוּ לִיתֵן לָהּ כְּתוּבָתָה. אָמַר לוֹ: רַבִּי, שְׂמוּנָה מֵאוֹת דִּינָרִין הִנִּיחַ אָבָא, נָטַל אַחֵי אַרְבַּע מֵאוֹת, וְאֲנִי אַרְבַּע מֵאוֹת, לֹא דִיָּה שְׂתַטּוֹל הִיא מֵאִתִּים וְאֲנִי מֵאִתִּים? אָמַר לוֹ רַבִּי עֲקִיבָא: אֲפִילוּ אַתָּה מוֹכֵר שְׂעַר רֹאשְׁךָ אַתָּה נוֹתֵן לָהּ כְּתוּבָתָה. אָמַר לוֹ: אֵילוּ הָיִיתִי יוֹדֵעַ שְׂהוּא בֵּן – לֹא הָיִיתִי נוֹדֵר. וְהִתִּירָה רַבִּי עֲקִיבָא.

MISHNA And Rabbi Meir further said: The halakhic authorities may broach dissolution with him from that which is written in the Torah,^{NH} and they may say to him: Had you known that through your vow you are transgressing the prohibition “you shall not take vengeance” (Leviticus 19:18) and the prohibition “nor bear any grudge” (Leviticus 19:18), and the prohibition “you shall not hate your brother in your heart” (Leviticus 19:17), and “you shall love your neighbor as yourself” (Leviticus 19:18), as well as “and your brother should live with you” (Leviticus 25:36), as he, the one prohibited by the vow, is poor and now you are not able to provide him with a livelihood due to your vow, would you have vowed in that case? If he said in reply: Had I known that it is so, that my vow involved all these prohibitions, I would not have vowed; it is dissolved.

GEMARA Rav Huna bar Rav Ketina said to the Sages: But let the one who stated the vow say with regard to the last claim: All who become poor do not fall upon me; it is not my responsibility to provide for this specific poor person. What is placed upon me to provide for him together with everyone else,^N I will provide to him when I give money to those collecting for the communal charity fund. They said to him: I say that anyone who falls into poverty and requires assistance does not fall into the hands of the charity collector first. Rather, his descent begins when he encounters hard times, and it is at this stage that he may require individual, direct support to prevent him from plunging into a state of absolute poverty.

MISHNA The halakhic authorities may broach dissolution with a man by raising the issue of his wife's marriage contract.^H If one takes a vow that would require him to divorce his wife, e.g., he prohibits her from deriving benefit from him, his vow may be dissolved by asking him whether he had considered how difficult it would be to pay her marriage contract.

The mishna relates: And an incident occurred with regard to one who vowed against his wife deriving benefit from him, and her marriage contract was worth four hundred dinars. And he came before Rabbi Akiva,^P and he obligated him to give her the payment of her marriage contract. He said to Rabbi Akiva: My teacher, my father left eight hundred dinars as our inheritance, of which my brother took four hundred and I took four hundred. Isn't it enough for my wife to take two hundred and I will have two hundred? Rabbi Akiva said to him: Your claim is not accepted, as even if you sell the hair on your head, you must give her the full payment of her marriage contract. He said to him: Had I known that it was so, that I would have to give her all my property, I would not have vowed. And Rabbi Akiva permitted her to derive benefit from him.

PERSONALITIES

Rabbi Akiva – רַבִּי עֲקִיבָא: Rabbi Akiva, who lived just after the destruction of the Second Temple, was one of the greatest of the *tanna'im*. Unlettered until the age of forty, Akiva was encouraged by his wife Rachel to devote himself to the study of Torah. After years of study under the tutelage of Rabbi Eliezer ben Hyrcanus, Yehoshua ben Hananya, and others, he acquired thousands of students and established his own academy in Benei Berak.

Rabbi Akiva systematized and arranged the many oral traditions, and it was the mishna of Rabbi Akiva as received by his disciple, Rabbi Meir, that ultimately became the basis of the six orders of the Mishna.

Rabbi Akiva was the spiritual leader of the bar Kokheva revolt. He even proclaimed bar Kokheva to be the Messiah early in the struggle, but he later retracted this opinion. Despite Roman decrees against disseminating Torah, the aged Rabbi Akiva continued to teach. Rabbi Akiva was arrested by the Romans, imprisoned, tried, and sentenced to death. As one of the ten martyrs, he suffered a martyr's death at the hands of the Romans. As the Romans were torturing him to death, he recited *Shema* and explained to his students that he now has the opportunity to fulfill the true meaning of loving God with all of one's soul.

Is movable property mortgaged for the payment of a marriage contract – **מטלטלי מי משתעבדי לתובה** – According to the *halakha* in the Gemara, the main sum of a marriage contract can be collected only from land. The *ge'onim*, however, instituted that a marriage contract can also be collected from movable property (Rambam *Sefer Nashim, Hilkhot Ishut* 16:5, 7; *Shulhan Arukh, Even HaEzer* 100:1).

Arrangements are made with a creditor – **מסדרין לבעל** – **הוב**: The *halakha* is that arrangements are made with creditors. In other words, a debtor must present the court with all of his movable property, and he is left with thirty days' worth of food, clothes for twelve months, as well as bedding and other necessary items. He is also left with the tools of his craft, in accordance with the conclusion of the Gemara in *Bava Metzia* (Rambam *Sefer Mishpatim, Hilkhot Malve VeLoveh* 1:7; *Shulhan Arukh, Hoshen Mishpat* 97:23).

NOTES

Arrangements are not made [*ein mesardin*] – **אין מסדרין**: Based on the accepted version of the text, it seems that the issue discussed in the Gemara is whether they would first arrange the property of the indebted party, so they could see what could be taken from him without jeopardizing his life or main source of income. The early commentaries also had an alternative version of the text which reads: *Ein mesardin*, according to which the issue discussed in the Gemara is whether they would leave him a *serad*, remnant, of his property instead of taking it away in its entirety.

גמ' מטלטלי מי משתעבדי לתובה? אמר אבוי: קרקע שוה שמונה מאות דינר. והקתני שער ראשו, ושער ראשו מטלטלי הוא! הכי קאמר: אפילו אתה מוכר שער ראשך ואוכל.

GEMARA The Gemara questions the comment made by Rabbi Akiva, that even if the man were to sell the hair on his head, he must pay her the full sum of her marriage contract: **Is movable property mortgaged for the payment of a marriage contract?**^{2H} The Rabbis maintain that only land owned by the husband is mortgaged for the payment of a marriage contract, so why should he have to sell the hair on his head? **Abaye said:** He said that the father had left **land worth eight hundred dinars**, and he received four hundred dinars' worth of land, so all of his land is equal in value to his wife's marriage contract. The Gemara raises a difficulty: **But the mishna teaches that he must pay even from: The hair on his head, and the hair on his head is movable property.** The Gemara answers: **This is what he said:** You must pay the marriage contract from the land **even if you will need to sell the hair on your head and use the proceeds from the sale in order to eat**, as you will have no other source of income.

שמעת מינה: אין מסדרין לבעל חוב? אמר רב נחמן ברבי צחק:

The Gemara poses a question: **Should you conclude from the mishna that arrangements are not madeⁿ with a creditor,**^H but instead, the entire sum is collected immediately, without reaching an agreement with the husband's creditors to leave him some money to support himself? The Gemara refutes this suggestion: **Rav Nahman, son of Rabbi Yitzhak, said:**

Perek IX
Daf 66 Amud a

לומר שאין מקרעין שטר כתובה.

In fact, arrangements are made with creditors. Rather, Rabbi Akiva is **saying that they do not tear the document of the marriage contract.** Even if in practice he is left with enough to survive on, the debt remains in force, so that when he will have more money, she will be paid in full.

מתני' פותחין בימים טובים ובשבתות. בראשונה היו אומרים: אותן הימים – מותרין, ושאר כל הימים – אסורין, עד שבא רבי עקיבא ולימד: שהנדר שהותר מכללו – הותר כולו.

MISHNA If one vowed that certain food or drink or all food and drink be forbidden to him, the halakhic authorities **may broach dissolution by raising the issue of Festivals^H and Shabbatot.** They ask him whether he realized at the time he stated his vow that he would have to uphold it on these festive days as well. **At first they said that on those days that he did not intend to include in his vow, that item is permitted, but on all the rest of the days, food and drink are still forbidden by his vow, until Rabbi Akiva came and taught that a vow that is partially dissolved is dissolved entirely.**

ביצד? אמר "קונם שאיני נהנה לכולכם", הותר אחד מהן – הותרו כולן.

How so? In the case of one who **said to a group of people: I will not benefit from all of you as it is konam for me,**^H if benefit from **one of them was permitted** for whatever reason, benefit from **all of them is permitted.**

HALAKHA

They may broach dissolution by raising the issue of Festivals, etc. – **פוחחין בימים טובים וכו' –** A vow that is dissolved in part is dissolved entirely. How so? For example, a person vowed to fast for a fixed period of time that included Festivals or *Shabbatot*. In order to dissolve the vow, he is asked: Had you realized that your period of fasts includes Festivals or *Shabbatot*, would you have taken the vow? Once his vow is dissolved due to its implications for Festivals and *Shabbatot*, the entire vow is dissolved, in accordance with the opinion of Rabbi Akiva (Rambam *Sefer Hafl'a'a, Hilkhot Shevuot* 6:11; *Shulhan Arukh, Yoreh De'a* 229:1).

I will not benefit from all of you as it is *konam* for me – **קונם שאיני נהנה לכולכם וכו' –** One who says to a group of people: Benefiting from you is *konam* for me and I will therefore not benefit from all of you, and then requests the dissolution of his vow or oath, and it was dissolved with regard to one person, it is dissolved with regard to all of them, as a vow that is partially dissolved is entirely dissolved. The same *halakha* applies if he says: I will not benefit from you, you, you, even if he did not add the word: And, between each one (*Shakh*), as this too is considered a single vow, in accordance with the opinion of Rabbi Shimon. Therefore, if the vow is dissolved with regard to one of them,

the entire vow is dissolved. The Rambam rules that if he said: To you and to you, the dissolution of the vow with regard to the first one dissolves the vow entirely, but not if it was dissolved with regard to the last one. Conversely, if he said: Benefiting from you is *konam* for me; benefiting from you is *konam* for me, each is considered a separate vow requiring its own dissolution (Rambam *Sefer Hafl'a'a, Hilkhot Nedarim* 4:11; *Shulhan Arukh, Yoreh De'a* 229:1).