

Is movable property mortgaged for the payment of a marriage contract – **מטלטלי מי משתעבדי לכתובה**? 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** – **חוב**: 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 לכתובה? אמר אביי: קרקע שזדה 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 יצחק:

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:**

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לאמר 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 Hafla'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'**: 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 Hafla'a, Hilkhot Nedarim* 4:11; *Shulhan Arukh, Yoreh De'a* 229:1).

The first one was permitted, etc. – הוֹתֵר הָרֵאשׁוֹן וכו' – This issue was discussed in great detail in the third chapter (25b); therefore, the Gemara does not analyze it at length here. The Gemara previously explained that this case refers to one who vowed that he would not derive benefit from one person and immediately stated his vow, using a conjunction, with regard to additional people, one after the other. In other words, he said that so-and-so should be forbidden, and this one should be like that one, and so on. It is for this reason that the dissolution of the vow with regard to the first one dissolves the vow for all of them. The Rambam maintains that this *halakha* applies even if he did not expressly use a conjunction in stating the vows. Rather, whenever he lists them consecutively, the assumption is that he meant to make each vow dependent on the earlier ones.

The *kuferi* – הַכּוּפְרִי: The *Arukh* explains that this refers to rural [*kafri*] onions. According to Rabbi Avraham min HaHar it means a type of small onion. Others maintain that it is named for its place of origin (*Tosafot* on 26b).

”שְׂאִינִי נִהְיֶה לְזֶה וְלִזֶה,” הוֹתֵר הָרֵאשׁוֹן – הוֹתֵרוּ בּוֹלֵן, הוֹתֵר הָאֲחֵרוֹן – הָאֲחֵרוֹן מוֹתֵר, וְכוּלָן אֲסוּרִין. הוֹתֵר הָאֲמֻצָּעִי – הֵימְנוּ וְלִמְטָה מוֹתֵר, הֵימְנוּ וְלִמְעֵלָה אֲסוּר.

”שְׂאִינִי נִהְיֶה לְזֶה קֶרְבָּן וְלִזֶה קֶרְבָּן” – צְרִיכִין פְּתַח לְכָל אֶחָד וְאֶחָד.

”קוֹנֵם יַיִן שְׂאִינִי טוֹעֵם, שֶׁהֵינִי רַע לְמַעֲיִים,” אָמְרוּ לוֹ: וְהִלֵּא הַמְּיוֹשֵׁן יִפְהַ לְמַעֲיִים! הוֹתֵר בְּמִיּוֹשֵׁן, וְלֹא בְּמִיּוֹשֵׁן בְּלִבָּד הוֹתֵר – אֲלֵא בְּכָל הַיַּיִן. ”קוֹנֵם בָּצֵל שְׂאִינִי טוֹעֵם, שֶׁהַבָּצֵל רַע לְלֵב,” אָמְרוּ לוֹ: הִלֵּא הַכּוּפְרִי יִפְהַ לְלֵב! הוֹתֵר בְּכּוּפְרִי, וְלֹא בְּכּוּפְרִי בְּלִבָּד הוֹתֵר, אֲלֵא בְּכָל הַבָּצֵלִים. מַעֲשֵׂה הָיָה וְהִתְירוּ רַבֵּי מֵאִיר בְּכָל הַבָּצֵלִים.

גַּמְ' הוֹתֵר הָאֲחֵרוֹן – הָאֲחֵרוֹן מוֹתֵר וְכוּלָן אֲסוּרִין. מֵאֵן תִּנָּא?

אָמַר רַבָּא: רַבֵּי שְׂמַעוֹן הֵיא, דְּאָמַר: עַד שְׂאִימַר ”שְׂבוּעָה” לְכָל אֶחָד וְאֶחָד.

However, if one said: **I will not benefit from this one and from that one** as it is *konam* for me, then if benefit from **the first one was permitted**ⁿ for whatever reason, benefit from **all of them is permitted**. But if benefit from **the last one was permitted**, benefit from **the last one alone is permitted, but benefit from all the others is forbidden**, as the benefit from each is considered to have been prohibited by a separate vow. If benefit from **the middle one was permitted**, then **from him and below**, i.e., all those enumerated after him, benefit is **permitted**; **from him and above**, i.e., those listed before him, benefit is **forbidden**.

The mishna gives another example of interconnected vows: If one stated: **I will not benefit from this one**, as if he were an offering, and **from that one**, as if he were an offering, then an extenuation enabling the dissolution of a vow is required for **each and every one**, as they have the status of separate vows.

The mishna gives another example of a vow that was partially dissolved. If one stated in a vow: **Wine is konam for me and I will not taste it**,^h as wine is bad for the intestines, and they said to him: **But aged wine is good for the intestines**, then the vow is dissolved with regard to aged wine. And not only with regard to aged wine is it dissolved, but with regard to all types of wine, since a vow that has been partially dissolved is entirely dissolved. Likewise, if one stated in a vow: **Onions are konam for me and I will not taste them**, as onions are bad for the heart, and they said to him: **But the kuferi onion is good for the heart**, then, in this case too, it is dissolved with regard to *kuferi* onions, and not only with regard to *kuferi* onions is it dissolved, but with regard to all types of onions. The mishna relates that an incident of this kind occurred, and Rabbi Meir dissolved the vow with regard to all types of onions.

GEMARA The mishna taught: If benefit from **the last one was permitted**, benefit from **the last one alone is permitted but benefit from all the others is forbidden**. If one stated: I will not benefit from this one, as if he were an offering, and from that one, as if he were an offering, then an extenuation enabling the dissolution of a vow is required for each and every one. The Gemara poses a question: **Who is the tanna that taught this mishna?**

Rava said: It is taught in accordance with the opinion of Rabbi Shimon, who said that one who utters a false oath to several people at once is not liable to bring an offering for each false oath unless he says: **An oath, in his oath to each and every one** (*Shevuot* 38a).^h If he said: An oath, only once, even if he specified each person by saying: Not to you, not to you, it is still considered to be a single oath. Otherwise, it is viewed as one oath. The mishna, which requires a separate extenuation for each person only if he stated: As if he were an offering, with regard to each of them, is in accordance with the opinion of Rabbi Shimon stated with regard to oaths.

HALAKHA

Wine is *konam* for me and I will not taste it, etc. – קוֹנֵם יַיִן שְׂאִינִי – טוֹעֵם וכו' With regard to one who said: Wine is *konam* for me because it is bad for the intestines, and he was informed that aged wine is in fact good for the intestines, if he replies that had he known this he would not have vowed at all, or even if he responds: If I had known, I would have said that I am prohibited from drinking the new wine and permitted to drink the aged wine, the entire vow is dissolved and he may drink all types of wine (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 8:7; *Shulhan Arukh*, *Yoreh De'a* 232:9).

An oath, to each and every one – שְׂבוּעָה לְכָל אֶחָד וְאֶחָד: If five people demand from someone that he return deposits they had given him, and he falsely replies: An oath that you have nothing in my possession, nor you, nor you, nor you, he is liable for each and every one. The *halakha* does not follow Rabbi Shimon, who views this as a single oath. The Rambam offers a similar ruling with regard to vows (Rambam *Sefer Hafla'a*, *Hilkhot Shevuot* 6:11).

By his own honor and the honor of his children, etc. – **בְּכַבּוּד עֲצֻמוֹ וּבְכַבּוּד בְּנָיו וְכוּ'**: Dissolution may be broached by raising the issue of his own honor and that of his children. For example, if he vowed to divorce his wife, he is asked: Had you known that people would assume that you must have found your wife to be licentious for you to divorce her, and this would cast aspersions on your children, would you have taken the vow? If he replies that had this occurred to him, he would not have taken the vow, the vow is dissolved (Rambam *Sefer Hafla'a*, *Hilkhot Shevuot* 7:10; *Shulhan Arukh*, *Yoreh De'a* 228:9).

Ugly... and she is beautiful – **בְּעוּרָה וְהִיא נְאִיָּה**: If he said: Marrying so-and-so is *konam* for me, as she is ugly, and she was actually beautiful at the time of the vow, and had he known he would not have taken the vow, the vow is dissolved, as it is considered a mistaken vow. However, if she was ugly when he took the vow, the vow goes into effect, in accordance with the unattributed mishna, and contrary to the opinion of Rabbi Yishmael (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 8:3; *Shulhan Arukh*, *Yoreh De'a* 232:6).

LANGUAGE

Habit [veset] – **יָסֵד**: From the Greek *ἔθος*, *ethos*, which means a habit or a fixed custom.

NOTES

What did their mother see, etc. – **מָה רָאָתָה אִמְּךָ וְכוּ'**: The version of this statement that best suits the interpretation of most commentaries is found in a variant reading of the text: What did he see in their mother? This indicates that, absent any other explanation, most people will assume that he discovered his wife was licentious, which will lead them to view his children as illegitimate (Rosh; *Tosefot Rab-beinu Peretz*). The Ritva explains that people will assume that immodesty is the reason for the divorce, and will say that just as the mother lacks modesty, the same is true of her daughters.

And Rabbi Yishmael permitted her – **וְהִתְירָה רַבִּי יִשְׁמַעֵאל**: There are differing opinions with regard to the explanation of Rabbi Yishmael's ruling. According to the Rosh, Rabbi Yishmael holds that since this woman was made to appear beautiful by adorning her, it is evident that she was never ugly in the first place. This would also explain his statement: The daughters of Israel are beautiful, which indicates that she was always that way. In the *Keren Ora*, it is explained that although one might think that this type of extenuation applies only to a woman who was beautified, but not in the cases of the mishna where he called her black or short, even in those cases her appearance can be modified so that her skin is made lighter, or she may grow taller, so it is not considered to be a new situation, and dissolution may be broached. Some commentaries omit these additional examples, which avoids this difficulty. Conversely, the Rambam, as well as the Meiri, suggest that Rabbi Yishmael accepts the opinion of Rabbi Eliezer that dissolution may be broached based on a new situation.

BACKGROUND

The daughter of his sister – **בֵּית אָחוּתוֹ**: The Sages recommended that a man marry the daughter of his sister, as recorded in tractate *Yevamot* (62b). Their close familial and emotional ties will help them to bond and to raise their children with a consistent approach. Many sources indicate that this custom was frequently observed, and even the mothers of the prospective bride, i.e., the sisters of the prospective groom, would seek out such marriages. It is therefore clear why a man would vow against deriving any benefit from the daughter of his sister, as he may have been pressured to marry her.

"קונם זין שאני טועם" וכו'. ותיפוק ליה דאין רע! אמר רבי אבא: ועוד, יפה קתני.

The mishna taught that if one said: **Wine is *konam* for me and I will not taste it**, as wine is bad for the intestines, his vow is dissolved, for aged wine is good for the intestines. The Gemara asks: **And let him derive** that the vow is dissolved from the fact that aged wine is **not bad** for the intestines. Even if it is not actively good for the intestines, the vow should nevertheless be considered mistaken. **Rabbi Abba said: The mishna teaches: And furthermore, it is good.** In other words, even if aged wine is merely not harmful to the intestines the vow is dissolved, and they strengthened their claim by pointing out that it is in fact beneficial.

"קונם בצל שאני טועם שהבצל" וכו'. ותיפוק ליה דאין רע! אמר רבי אבא: ועוד, יפה קתני.

The mishna taught: If one said: **Onions are *konam* for me and I will not taste them**, as onions are bad for the heart, his vow is dissolved, for *kuferi* onions are good for the heart. The Gemara asks: **And let him derive** that the vow is dissolved from the fact that the *kuferi* onion is **not bad** for the heart. **Rabbi Abba said: The mishna teaches: And furthermore, it is good.** Here too, they added that the *kuferi* onion is actually good for the heart, but this addition was not needed to justify the dissolution of the vow.

מתני' פותחין לאדם בכבוד עצמו ובכבוד בניו. אומרם לו: אילו היית יודע שלמחר אומרים עליך "כך היא וסתו של פלוני, מגרש את נשיו", ועל בנותיך יהו אומרים "בנות גרושות הן" "מה ראתה אמן של אלו להתגרש". ואמר: אילו הייתי יודע שכן לא הייתי נודר – הרי זה מותר.

MISHNA The halakhic authorities may broach dissolution for a person by raising the issue of his own honor and the honor of his children.¹⁴ For example, if he took a vow that resulted in his needing to divorce his wife, they may say to him: **Had you known that tomorrow people will say about you: This is the habit [veset]¹⁵ of so-and-so, that he divorces his wives due to vows, and they will say about your daughters: They are daughters of divorce, or they will ask: What did their mother see¹⁶ to divorce, thereby giving them a bad reputation. And if the man who vowed said: Had I known it was so, I would not have vowed, it is dissolved.**

"קונם שאני נושא את פלונית בעורה" והרי היא נאה: "שחורה" והרי היא לבנה: "קצרה" והרי היא ארוכה – מותר בה. לא מפני שהיא בעורה ונעשת נאה, שחורה ונעשת לבנה, קצרה ונעשת ארוכה, אלא שהנדר טעות.

The mishna continues: If a man said: **Marrying ugly so-and-so is *konam* for me, and she is in fact beautiful**,¹⁷ or if, in vowing not to marry her, he called her **black, and she is in fact white**, or if, in vowing not to marry her, 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.**

ומעשה באחד שגדר מבת אחותו הנאה, והכניסוהו לבית רבי ישמעאל וייפוח. אמר לו רבי ישמעאל: בני, מוז נדרת? אמר לו: לאו, והתירה רבי ישמעאל.

The Gemara relates: **And an incident occurred with regard to one who vowed against deriving benefit from the daughter of his sister**,¹⁸ as he did not wish to marry her. **And they brought her into the house of Rabbi Yishmael¹⁹ and he beautified her.** When she was later brought before the one who took the vow, **Rabbi Yishmael said to him: My son, did you vow that you would not derive benefit from this woman? He said to him: No, and Rabbi Yishmael permitted her²⁰ to him, as he demonstrated that the vow had been made in error.**

PERSONALITIES

Rabbi Yishmael – **רבי ישמעאל**: Rabbi Yishmael ben Elisha II was the grandson of Rabbi Yishmael ben Elisha, the High Priest who served in the Temple at the end of the Second Temple period. He is referred to as Rabbi Yishmael throughout the Talmud. As related in the Talmud, he was taken into captivity by the Romans, and was redeemed by Rabbi Yehoshua for a significant ransom. He then became a student of Rabbi Yehoshua and one of the prominent speakers in Yavne. He was a friend of Rabbi Akiva, with whom he engaged in many disputes. Each Sage established a significant halakhic-exegetical school of thought.

The thirteen hermeneutical principles of the Torah, as articulated by Rabbi Yishmael, are the foundations of midrash and *halakha*. Many of his Torah statements are cited in the Mishna, and many of his opinions appear in the Gemara under the general rubric: The school of Rabbi Yishmael taught. The Sages of the following generation studied with him, with Rabbi Yoshiya and Rabbi Yonatan as his primary students.

Rabbi Yishmael died before the bar Kokheva revolt. His sons and daughters are mentioned in the Gemara, and it is possible that the *tanna* Rabbi Eliezer, son of Rabbi Yishmael, was his son.

באותה שעה בכה רבי ישמעאל ואמר: בנות ישראל נאות הן, אלא שהעניות מנוולתן. וכשמת רבי ישמעאל היו בנות ישראל נושאות קינה, ואומרות: בנות ישראל על רבי ישמעאל בכינה, וכן הוא אומר בשאול "בנות ישראל על שאול בכינה".

At that time Rabbi Yishmael wept and said: The daughters of Israel are beautiful, but poverty makes them ugly. And when Rabbi Yishmael died, the daughters of Israel raised a lamentation, saying: Daughters of Israel, weep for Rabbi Yishmael. And it likewise states about Saul, who also concerned himself with the welfare of the daughters of Israel: "Daughters of Israel, weep over Saul, who clothed you in scarlet with other delights, who put ornaments of gold upon your apparel" (II Samuel 1:24).

גמ' מעשה לסתור? חסורי מחסרא, והכי קתני: רבי ישמעאל אומר אפילו בעורה ונעשת נאה, שחורה ונעשת לבנה, קצרה ונעשת ארוכה. מעשה באחד שנדר מבת אחותו והכניסה לבית רבי ישמעאל ויפהו וכו'.

GEMARA The Gemara poses a question: Was an incident cited to contradict what was just taught? It first taught that if she was ugly and was later beautified, the vow is not dissolved, and then the mishna quoted an incident involving Rabbi Yishmael where he did dissolve the vow. The Gemara answers: The mishna is incomplete and this is what it is teaching: Rabbi Yishmael says: Even if she was ugly and became beautiful, black and became white, short and became tall, the vow can be dissolved. An incident occurred with regard to one who vowed against having benefit from the daughter of his sister, as he did not wish to marry her. And they brought her into Rabbi Yishmael's house and he beautified her.

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BACKGROUND

False tooth – שן תוקבת: In talmudic times false teeth were inserted to beautify the appearance of those with damaged or missing teeth, just as they are used in modern times. People of limited means would make teeth for themselves out of wood, or less frequently from other materials, such as ivory or metal. These teeth tended to wear out and lose their color, which would adversely affect the person's appearance. In contrast, gold teeth, in addition to being stable and rust resistant, were considered to be an adornment.



Roman denture

LANGUAGE

False tooth [shen totevet] – שן תוקבת: From the Aramaic *totav*, meaning resident, i.e., someone who is not a permanent inhabitant of a place but is merely dwelling there. This developed into the term *shen totevet*. Other references to removable limbs also use the word *totav*.

NOTES

And Shimon will not budge, etc. – ואל יזוז שמעון וכו' – Rabbi Shimon disagrees with Rabbi Yehuda's reasoning. Two distinctions can be made between this case and the case of the *sota*. In the case of the *sota*, the husband acted properly, and was correct to bring her to the Temple to drink the *sota* waters (Rosh). Here, however, the husband could request the dissolution of his vow, and therefore there was no need for Rabbi Shimon to compromise his dignity (Maharatz Hayyut).

תנא: שן תוקבת היתה לה, ועשה לה רבי ישמעאל שן של זהב משלו. כי שכיב רבי ישמעאל פתח עליה ההוא ספדנא הכי: בנות ישראל על רבי ישמעאל בכינה, המלבישין וכו'.

It was taught: She had a false tooth [shen totevet],^{BL} which disfigured her, and Rabbi Yishmael made her a gold tooth from his own money, thereby beautifying her. When Rabbi Yishmael died, a certain eulogizer began his eulogy about him like this: Daughters of Israel, weep for Rabbi Yishmael, who clothed you.

ההוא דאמר לה לדיביתהו "קונם שאי את נהנית לי עד שתטעימי תבשילך לרבי יהודה ולרבי שמעון". רבי יהודה טעים, אמר: קל וחומר, ומה לעשות שלום בין איש לאשתו אמה תורה: שמי שנקבת בקדושה – ימחה על המים המאדרים בספק, ואני – על אחת כמה וכמה.

S The Gemara relates: There was a certain person who said to his wife: Benefiting from me is *konam* for you until you have given Rabbi Yehuda and Rabbi Shimon your cooked food to taste, so they can see for themselves what a bad cook you are. She brought the food to them, and Rabbi Yehuda tasted it, without concern for his honor. He said: This is an *a fortiori* inference: And what can be seen, that in order to make peace between a man and his wife, the Torah said: My name, that is written in sanctity, shall be blotted out in the waters that curse, as the words written on a scroll, including the name of God, were blotted out during the ceremony of preparing the water that a *sota* would drink. And this is so even in a case of where it is uncertain if this will bring peace between them, as she may or not be guilty of adultery. I, all the more so, should waive my honor in order to bring peace to this couple.

רבי שמעון לא טעים, אמר: ימותו כל בני אלמנה, ואל יזוז שמעון ממקומו. ועוד: כי היכי דלא לתרגלי למינדר.

Conversely, Rabbi Shimon did not taste. He said: Let all the children of the widow die, and Shimon will not budge^N from his place. In other words, the husband can die and leave his wife a widow and his children orphans, and let them die too, rather than have people belittle the dignity of Torah scholars by taking such vows. And furthermore, there is another reason for my refusal: So that they should not become used to taking vows.

Round [*segalgal*] – סְגֻלָּל: From the root *gimmel*, *lamed*, *gimmel*, *lamed* [*galgal*], with an added *samekh*, which in Aramaic often replaces the letter *shin* at the beginning of the conjugation of an Aramaic verb. This is also found in Hebrew, e.g., with the root *shin*, *het*, *reish*, *reish* and similar roots. The Sages use *segalgal* to denote roundness.

Narrow [*terutot*] – טְרוּטוֹת: Possibly from the Greek *δηρός*, *dēros*, meaning long or overly long. It may also come from the Latin *teres*, whose genitive case is *teretis*, which means round, something with rounded angles. Here it means that her eyes were unusually narrow.

Se'a [*geriva*] – גְּרִיבָא: This word also appears as *griva* in Syriac, and *جريب*, *jarīb*, in Arabic. It is the name of a dry measurement that the Sages called *se'a*.

Gourds [*butzinei*] – בוּצִינֵי: From Aramaic, meaning either gourd or squash, or referring to a candle. Both meanings may have their origins in other languages. It seems that it usually meant gourd in Babylonia, based on the Aramaic translations of the Torah and the Persian analogue, which means gourd.

Lamps [*sheraggei*] – שְׂרָגֵי: Originally from Iranian and borrowed into several Aramaic dialects. In modern Persian, the word is *chirāgh*, which means lamp or candelabrum.

NOTES

Narrow – טְרוּטוֹת: The Commentary on *Nedarim* explains that this means weak, while the Rosh and the Ran understand it to mean that her eyes were round.

Stubby – בְּלוּם: The Commentary on *Nedarim* and the Ran explain that this means her nose was blocked. Alternatively, it was wrinkled up so that it appeared blocked (Rosh). *Tosefot Rabbeinu Peretz* explains that it was stubby and did not protrude outward.

Babylonian – בְּבַבְלֵי: One of the factors that caused the woman's mistakes was the difference in style and language spoken in Babylonia and in Eretz Yisrael. Although the Jews in both places spoke Aramaic, the two dialects differed. There was a recognizable difference between the dialect of Eretz Yisrael, which was closer to Syriac, and that of Babylonia, which was influenced by Akkadian. This difference also influenced the grammar of the language as well as the meaning and use of many words.

PERSONALITIES

Bava ben Buta – בְּבַא בֶּן בוּטָא: An outstanding student of Shammai and an important Sage of his generation, Bava ben Buta was renowned in his lifetime both for his great righteousness and for his wisdom. Many stories are told of his exceptional humility and his lack of concern for his own honor whenever he could assist in matters involving domestic peace, or to increase the honor of God. He likely served as a judge in Jerusalem and was also highly regarded for his knowledge of worldly matters. It is related in the Talmud that when Herod killed many of the Sages of Israel, he blinded Bava ben Buta but kept him alive so he could continue to seek his advice. The Gemara relates that it was Bava ben Buta who advised Herod to undertake his magnificent rebuilding of the Temple.

HALAKHA

You fulfilled your husband's desire, etc. – אֶת עֲשִׂית רְצוֹן – בְּעֵלֶיךָ וְכוּ: The Sages said that the most fit woman is the wife who fulfills her husband's wishes (*Shulhan Arukh, Even HaEzer* 69:7, in the comment of Rema).

ההוא דאמר לדביתהו "קונם שאי את נהנית לי עד שתרוקי בו ברבן שמעון בן גמליאל". אתת ורקק אלבושיה. אמר ליה רב אחא מדפתי לרבינא: והא האי לילותא קא מיכני! אמר ליה: מירק על מני דרבן שמעון בן גמליאל – יללותא רבתא היא.

ההוא דאמר לדביתהו "קונם שאי את נהנית לי עד שתראי מוס פה שביך לרבי ישמעאל ברבי יוסי".

אמר להם: שמא ראשה נאה? אמרו לו: סגלגל. שמא שערה נאה? דומה לאניצי פשתן. שמא עיניה נאות? טרוטות הן. שמא אזניה נאות? כפולות הן. שמא חוטמה נאה? בלום הוא. שמא שפתותיה נאות? עבות הן. שמא צוארה נאה? שקוט הוא. שמא בריסה נאה? צבה הוא. שמא רגליה נאות? רחבות כשל אוזא. שמא שמה נאה? לכלוכית שמה. אמר להן: יפה קורין אותה לכלוכית, שהיא מלוכלכת במומין ושרייה.

ההוא בר בבלי דסליק לארעא דישראל, נסיב איתתא. אמר לה: בשילי לי תרי טלפי. בשילה ליה תרי טלפי. רתח עליה. למחר אמר לה: בשילי לי גריןא. בשילה ליה גריןא. אמר לה: זילי אייתי לי תרי בוציני. אזלת ואייתי ליה תרי שרגי.

אמר לה: זילי תברי יתהון על רישא דבבא. הוה יתיב בבא בן בוטא אבבא, וקא דאין דינא. אזלת ותברת יתהון על רישיה. אמר לה: מה הדין דעבדת? אמרה ליה: כך ציוני בעלי. אמר: את עשית רצון בעליך – המקום יוציא ממך שני בנים בבבא בן בוטא.

הדרן עלך רבי אליעזר

The Gemara relates: There was a certain person who said to his wife: Benefiting from me is *konam* for you until you have spat on Rabban Shimon ben Gamliel. She came to Rabban Shimon ben Gamliel and spat on his clothing. Rav Aḥa of Difti said to Ravina: But this man intended the humiliation of Rabban Shimon ben Gamliel, which is not achieved by spitting on his clothing. Ravina said to him: Spittle on the clothing of Rabban Shimon ben Gamliel is a great humiliation for him, and she has thereby fulfilled the vow.

The Gemara relates: There was a certain person who said to his wife: Benefiting from me is *konam* for you until you show some beautiful [*yafeh*] part of you to Rabbi Yishmael, son of Rabbi Yosei. Rabbi Yishmael attempted to find something beautiful about the woman.

He said to his students: Perhaps her head is beautiful? They said to him: It is round [*segalgal*].¹ Perhaps her hair is beautiful? They replied: Her hair resembles stalks of flax. Perhaps her eyes are beautiful? They are narrow [*terutot*].^{LN} Perhaps her ears are beautiful? They are double in size. Perhaps her nose is beautiful? It is stubby.^N Perhaps her lips are beautiful? They are thick. Perhaps her neck is beautiful? It is low and short. Perhaps her stomach is beautiful? It is swollen. Perhaps her legs are beautiful? They are as wide as a goose's. Perhaps her name is beautiful? Her name is Likhluhit. He said to them: It is fitting [*yafeh*] that she is called by the name Likhluhit, as she is dirty [*melukhlehket*] with blemishes, and he permitted her to benefit from her husband, because she did have one beautiful feature, her fitting name.

The Gemara cites another incident: There was a certain Babylonian^N who went up to Eretz Yisrael and married a woman there. He said to her: Cook two lentils, i.e., some lentils, for me. She cooked exactly two lentils for him. He grew angry with her. On the following day, so that she would not repeat what she had done, he said to her: Cook a *se'a* [*geriva*]¹ for me, intending: A large amount. She cooked an actual *se'a* for him, far more than what one person could eat. He said to her: Go and bring me two *butzinei*,¹ intending small gourds, as *butzinei* are small gourds in the Aramaic dialect spoken in Babylonia. She went and brought him two lamps [*sheraggei*],¹ called *butzinei* in the Aramaic dialect spoken in Eretz Yisrael.

In anger, he said to her: Go and break them on the head of the *bava*, intending the gate, as *bava* means a gate in the Aramaic dialect spoken in Babylonia. She did not recognize this word. At that time, the Sage Bava ben Buta^P was sitting as a judge at the gate. She went and broke them on his head, as his name was Bava. He said to her: What is this you have done? She said to him: This is what my husband commanded me to do. He said: You fulfilled your husband's desire,^H may the Omnipresent bring forth from you two sons, corresponding to the two candles, like Bava ben Buta.

מתני' נערה המאורסה – אביה
ובעלה מפירין נדריה.

MISHNA With regard to a betrothed young woman,^{NH}
her father and her husband together nullify
her vows.

NOTES

A betrothed young woman – נערה המאורסה: The term young woman refers to the halakhic category of a girl who has reached the age of twelve and has at least two pubic hairs. She remains in this category for six months, at which point she becomes a halakhic adult no longer under her father's jurisdiction. While she is still a young woman, she is under her father's jurisdiction. He may betroth her to a man and he has the ability to nullify her vows. If she is betrothed, he can nullify her vows only with the participation of her husband.

Although the father's ability to nullify her vows does not extend beyond this period, it can begin before it, as the accepted *halakha* is that the vows of a girl over eleven years of age are examined. If it is evident that she comprehends the significance of her vows, she is obligated to fulfill them. Accordingly, in such a case, the ruling in the mishna on nullification of vows would apply to a betrothed girl from the age of eleven.

HALAKHA

נערה המאורסה וכו' – A betrothed young woman, etc. – With regard to a betrothed young woman, only her father and husband together can nullify her vows. If one of them nullified her vow by himself, it is not nullified (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 11:9; *Shulhan Arukh, Yoreh De'a* 234:5).

הפר האב ולא הפר הבעל, הפר
הבעל ולא הפר האב – אינו מופר.
ואין צריך לומר שקיים אחד מהן.

If the father nullified her vow and the husband did not nullify it, or if the husband nullified it and the father did not nullify it, then the vow is not nullified. And needless to say, it is not nullified if one of them ratified the vow.

גמ' היינו רישא, אביה ובעלה
מפירין נדריה! מהו דתימא: או אביה
או בעלה קתני, קא משמע לן.

GEMARA The mishna states that if the father nullified her vow and the husband did not nullify it, or if the husband nullified it and the father did not nullify it, then the vow is not nullified. The Gemara asks: **Is this** not the same as **the first clause** of the mishna, which states: **Her father and her husband nullify her vows?** The Gemara answers: The second clause is necessary, **lest you say:** The mishna is teaching that **either her father or her husband** can nullify her vows, but there is no need for both of them to do so, which is also a possible interpretation of the Hebrew phrase used. Therefore, the mishna **teaches us** that it means that both of them must nullify the vow.

"ואין צריך לומר שקיים אחד מהן."
למה לי למיתנא? השתא יש לומר
הפר זה בלא זה – ולא כלום, קיים
אחד מהן למה לי? צריכא למיתנא?

At the end of the mishna it is stated: **And needless to say,** it is not nullified if **one of them ratified** the vow. The Gemara asks: **Why do I** need the mishna to teach this?^N Now, it was stated that if **one of them nullified** the vow **without the other,** it is **nothing,** her vow is not nullified. If **one of them ratified** it, **why do I** need it to state that her vow is not nullified? **Is it necessary to teach this?**

NOTES

Why do I need the mishna to teach this – למה לי למיתנא: The early commentaries point out that *mishnayot* are often structured in the form: This, and needless to say that. This means that the second *halakha* can readily be derived from the first, and nevertheless both are recorded for stylistic reasons. The Gemara often uses this to explain seemingly superfluous passages in the Mishna. Why, then, does the Gemara here ask about this mishna being structured in this way?

The Rashba explains that the question could have been readily dismissed, but the Gemara uses it as a rhetorical device to highlight a point that requires clarification. However, *Tosafot* and the Ran argue that the mishna includes the phrase: Needless to say, only when the derivation of the latter from the former is not obvious. In this case, the husband's silence is equivalent to ratifying the vow, rendering the addition truly superfluous and therefore engendering the Gemara's question.