

הָכָא נָמִי דְאָמַר לֵיהּ: לְכִי שְׁמַעְנָא – מִיפְרָ לָהּ. לְכִי שְׁמַע לִיפְרָ לָהּ! הוּא סָבֵר: דְּלָמָּא מְטוּרִידָנָא.

בְּעֵי רַמִּי בַר חָמָא: חֲרֵשׁ, מַהוּ שְׁיִפְרָ לְאִשְׁתּוֹ? אִם תִּמְצָא לֹאמַר בְּעַל מִיפְרָ בְּלֹא שְׁמִיעָה – מִשּׁוּם דְּבַר מִיִּשְׁמַע הוּא, אֲבָל חֲרֵשׁ דְּלֹא בַר מִיִּשְׁמַע הוּא – הֵינּוּ דְרַבֵּי זֵירָא.

דְּאָמַר רַבִּי זֵירָא: כָּל הָרְאוּי לְבִילָה – אִין בִּילָה מְעַכְבֵּת בּוּ, וְכָל שְׂאִין רְאוּי לְבִילָה – בִּילָה מְעַכְבֵּת בּוּ.

אוּ דְלָמָּא: "וְשָׁמַע אִישָׁהּ" לָא מְעַכְבֵּת? אָמַר רַבָּא, תָּא שְׁמַע: "וְשָׁמַע אִישָׁהּ" – פְּרַט לְאִשְׁתּוֹ חֲרֵשׁ, שְׁמַע מִינָהּ.

The Gemara rejects this conclusion as well: **Here too**, it is a case in which the husband says to the steward: **When I hear the vow, then it will be nullified for her.** The Gemara asks: **Let him nullify the vows for her when he actually hears them.** Why do so earlier? The Gemara answers: **He reasons: Perhaps I will be preoccupied at that moment and will forget to nullify them.** The questions pertaining to nullification of vows without hearing them is left unresolved.

§ Rami bar Hama asks: With regard to a deaf man, what is the *halakha* with regard to his nullifying^N vows for his wife?^N If you say that a husband who is not deaf can nullify a vow without hearing it, then perhaps this is because he is capable of hearing. **But with regard to a deaf man, who is not capable of hearing,** perhaps this is an application of the principle derived from the statement of Rabbi Zeira.

As Rabbi Zeira said: For any amount of flour suitable for mingling^{NH} with oil in a meal-offering, mingling is not indispensable for it. Even though it is a mitzva to mingle the flour and oil *ab initio*, if they were not mingled, the meal-offering is still valid. **But for any amount of flour not suitable for mingling, mingling is indispensable for it,** and such a meal-offering is invalid. The principle is: *Ab initio* requirements prevent the fulfillment of a mitzva in situations where they are not merely absent but impossible. In this case, the deaf man does not merely not hear the vow, it is impossible for him to do so.

Or perhaps the phrase “and her husband hears it” (Numbers 30:8) does not mean that hearing is indispensable to the nullification of a vow, so that even a deaf man can nullify his wife’s vows. **Rava said:** Come and hear a *baraita* interpreting that verse: “And her husband hears it”; this excludes the wife of a deaf man.^{NH} The Gemara concludes: **Learn from this^N baraita** that a deaf man cannot nullify his wife’s vows.

HALAKHA

כָּל – הָרְאוּי לְבִילָה: Any amount of flour for a meal-offering that is suitable for mingling with oil is valid even if it was not mingled with oil. However, if it is too large to be suitable for mingling, mingling it with oil is indispensable for it, and therefore bringing a meal-offering with that amount of flour would invalidate the offering (Rambam *Sefer Avoda, Hilkhot Ma’aseh HaKorbanot* 17:6).

פְּרַט לְאִשְׁתּוֹ חֲרֵשׁ – אִשְׁתּוֹ חֲרֵשׁ: A husband or father incapable of hearing cannot nullify his wife’s or daughter’s vows (Rambam *Sefer Hafla’a, Hilkhot Nedarim* 12:13; *Shulhan Arukh, Yoreh De’a* 234:25).

NOTES

With regard to a deaf man [*heresh*], what is the *halakha* with regard to his nullifying – חֲרֵשׁ, מַהוּ שְׁיִפְרָ – Although *heresh* is translated here as deaf, it usually refers to one who can neither speak nor hear. In this context, the term is necessarily referring to one who can speak but not hear. This is because nullification requires that one declare aloud that the vow is nullified; intimation that one wishes to nullify the vow is insufficient. Moreover, one who is fully deaf and mute is considered legally incompetent and cannot nullify vows (Rosh). Rabbi Avraham min HaHar disagrees and claims that the Gemara is referring specifically to a deaf-mute, and it is precisely because he is not considered legally competent that he is unable to nullify vows.

What is the *halakha* with regard to his nullifying vows for his wife – מַהוּ שְׁיִפְרָ לְאִשְׁתּוֹ: According to some commentaries, this question is referring specifically to the husband, since the verse states explicitly concerning him: “And her husband hears it, on the day that he hears it” (Numbers 30:8). The repetitive reference to hearing in the verse teaches that he must be capable of hearing (*Hever ben Hayyim*).

Any amount of flour suitable for mingling – כָּל הָרְאוּי לְבִילָה: The *halakhot* of meal-offerings in the Torah mention that the flour or the bread is mixed with oil. Nevertheless, since this is not stated in the form of a command, the Sages understood

that when a meal-offering is not mingled with oil, it is still valid (see Leviticus, chapter 2).

However, Rabbi Zeira ruled that although the flour not being mingled with oil does not invalidate a meal-offering, if the amount of flour is so great that it would have been impossible for it all to be mingled with the standard measure of oil had the offering been prepared in an *ab initio* manner, it is invalid. The source for this ruling is the mishna in *Menaḥot* 103b, which teaches that a meal-offering that is larger than sixty *issaron* of flour, about 150 *l*, must be split into two because it cannot be properly mingled with the standard measure of one *log* of oil, about 350 ml.

The Sages applied this ruling of Rabbi Zeira to other areas as well. The application of this principle to the case of the deaf man nullifying his wife’s vows is somewhat problematic, as it ordinarily relates to an *ab initio* obligation, e.g., mingling the meal-offering with the oil. By contrast, hearing a vow is not an obligation at all. *Tosafot* in *Yevamot* (104b) claim that this is in fact the question of Rami bar Hama: Can the principle of Rabbi Zeira be extended to requirements that are not obligations? See *Keren Ora*.

Excludes the wife of a deaf man – פְּרַט לְאִשְׁתּוֹ חֲרֵשׁ: The *Or Same’ah* points out that exclusion of the wife of a deaf man from the *baraita* indicates that even her father cannot nullify her vow.

Even while she is betrothed, her deaf husband’s authority does not revert to the father, and her vows cannot be nullified at all (Rambam *Sefer Hafla’a, Hilkhot Nedarim* 12:13).

Learn from this – שְׁמַע מִינָהּ: *Tosafot*, citing Rashi, claim that this conclusion also resolves Rami bar Hama’s previous question concerning a husband’s ability to nullify vows without having heard them. As long as the husband can hear, he can nullify even vows that he has not heard. *Tosafot* raise a difficulty with this argument: If this *baraita* offers a conclusive answer to the first question, why did the Gemara not cite it in the context of that discussion?

The Ran, citing the Ramban, explains that the *baraita* does not provide a conclusive answer to the first question because when taken alone, the exclusion of the wife of a deaf man could be understood to represent the wife of any man who has not heard the vows, with the deaf man serving as merely an example. Nevertheless, the Ran rules that only someone who cannot hear is precluded from nullifying vows, and a hearing husband can nullify vows that he has not heard. He reaches this conclusion based on the Rambam’s principle that when the Gemara introduces a question that is based on an assumption framed by the phrase: If you say, as it does in this case, that assumption is normative *halakha*.

NOTES

With regard to nullifying vows for his two wives – **שִׁיפֵר** – **לְשֵׁתֵי נָשִׁים**: The same question applies to a father with regard to simultaneous nullification of the vows of his two daughters, as the word “her” appears in reference to a father’s nullification as well (*Tosafot*; *Tosefot Rabbeinu Peretz*).

Because the heart of each becomes emboldened – **מִפְּנֵי גַס שְׁלֵבָהּ גַם**: The Gemara in tractate *Sota* says that every effort is made to ensure that a woman who has committed adultery confess of her own accord, obviating the need for the *sota* rite. This is because the *sota* rite involves the erasure of the Divine Name, which is to be avoided unless absolutely necessary.

HALAKHA

With regard to nullifying vows for his two wives simultaneously – **שִׁיפֵר לְשֵׁתֵי נָשִׁים בְּבַת אַחַת** – A husband can nullify the vows of his two wives simultaneously; the same applies to a father and his two daughters. However, the Ramban and the Rosh disagree and rule that the word “her” in a verse means that whatever is referred to cannot be performed for two women at the same time (Rambam *Sefer Hafla’a*, *Hilkhot Nedarim* 12:14; *Shulḥan Arukh*, *Yoreh De’a* 234:29).

Two *sota* women are not given to drink – **אֵין מְשַׁקֵּין שְׁתֵּי – סוֹטוֹת בְּאַחַת**: The *sota* rite is not performed for two women at the same time (Rambam *Sefer Nashim*, *Hilkhot Sota* 4:2).

אֵיבְעִיא לְהוּ: בְּעַל מְהוּ שִׁיפֵר לְשֵׁתֵי נָשִׁים בְּבַת אַחַת? “אוֹתָהּ” – דְּוָקָא, אוֹ לְאוֹ דְּוָקָא?

אָמַר רַבִּינָא, תָּא שְׂמַע: אֵין מְשַׁקֵּין שְׁתֵּי סוֹטוֹת בְּאַחַת, מִפְּנֵי שְׁלֵבָהּ גַם בְּחִבְרָתָהּ.

רַבִּי יְהוּדָה אוֹמֵר: לֹא מִן הַשֵּׁם הוּא זֶה, אֲלֵא מִשּׁוּם שְׁנַאמַר “וְהִשְׁקָה” – אוֹתָהּ לְבִדָּה.

§ A dilemma was raised before the Sages: Concerning a husband, what is the *halakha* with regard to nullifying vows for his two wivesⁿ simultaneously?^h Do the words “but if her husband disallows her on the day that he hears it, and he nullifies her vow which is upon her” (Numbers 30:9), stated in the singular, refer specifically to one wife? Or, perhaps it does not refer specifically to one wife, and a husband can nullify the vows of more than one wife simultaneously.

Ravina said: Come and hear a *baraita*: In the *sota* ritual, performed by women suspected by their husbands of having committed adultery, two *sota*^b women are not given to drink^h the bitter waters as one. This is because the heart of each becomes emboldened [*gas*]^{nl} in the presence of the other woman, and if one is guilty she will lack the humility to confess.

Rabbi Yehuda says: This is not for that reason [*lo min hashem hu zeh*],^l but because it is stated: “And he shall make her drink” (Numbers 5:27), which indicates her by herself. Similarly, the words “disallows her” (Numbers 30:9) should be read as referring specifically to a single woman, indicating that a man cannot nullify the vows of two wives simultaneously.

BACKGROUND

Sota – סוֹטָה: The Torah details a ritual that is performed on a wife whose husband suspects her of adultery, by the means of which her innocence or guilt can be ascertained (Numbers 5:11–31). She is subject to this ritual only if he has warned her in the presence of witnesses not to be alone with the man he suspects and she is then found alone with him.

Once this occurs, it is prohibited for her to continue to live with her husband until she has undergone the ordeal. The woman is taken to the Temple in Jerusalem and forced by the priests to stand in a public place while holding the special meal-offering that is part of the ritual. There she is again questioned about her behavior. If she continues to protest to her innocence,

and takes an oath to that effect, the curses of the *sota* in the Torah passage cited above are written on a scroll. The scroll is then erased, with the rubbings from the erasure placed in a clay vessel filled with water taken from the basin in the Temple courtyard and some earth from the Temple floor. She is then forced to drink that water.

If the husband’s allegation is true, then the Torah says: “Her belly shall swell, and her thigh shall fall away” (Numbers 5:27), until ultimately she dies from the water’s curse. If she is innocent, the water will bring her blessing, and she is permitted to resume normal marital relations with her husband.

LANGUAGE

Emboldened [*gas*] – גַּס: Apparently, the primary meaning of this word is large. It has negative connotations, as are expressed in the phrase *gassut ru’ah*, which means largeness of spirit and is an idiom for arrogance. Similarly, the expression *gas lev*, literally meaning that one’s heart is large, indicates that one is not embarrassed.

This is not for that reason [*lo min hashem hu zeh*] – לֹא מִן הַשֵּׁם הוּא זֶה: This expression, which literally means: This is not from the name, is derived from the conception of a name as expressing the essence of the named item. As such, this idiomatic expression means that one has not reached the essential understanding of, or reason for, a matter.

מתני' בוגרת ששיתה שנים עשר חדש, ואלמנה שלשים יום, רבי אליעזר אומר: הואיל ובעלה חייב במזונותיה – יפר, וחקמים אומרים: אין הבעל מיפר עד שתכנס לרשותו.

גמ' אומר רבה: רבי אליעזר ומשנה ראשונה אמרו דבר אחד. דתני: נותנין לבתולה שנים עשר חדש לפרנס עצמה, הגיע שנים עשר חדש – אוכלת משל ואוכלת בתרומה. אבל היבם אינו מאכיל בתרומה.

עשתה ששה חדשים בפני הבעל וששה חדשים בפני היבם, ואפילו כולן בפני הבעל חסר יום אחד, או כולן בפני היבם חסר יום אחד – אינה אוכלת בתרומה. זו משנה ראשונה. בית דין של אחרים אמרו: אין האשה אוכלת בתרומה עד שתכנס לחופה.

MISHNA With regard to a grown woman who waited^N twelve months after her betrothal and the time arrived for her betrothed to marry her, or a widow who waited thirty days and the time arrived for her betrothed to marry her, Rabbi Eliezer says: Since her husband is already obligated to provide for her sustenance, as he is obligated to have married her by then, he can nullify her vows by himself, as if he were fully married to her. But the Rabbis say: The husband does not nullify her vows on his own until she enters^H his jurisdiction.

GEMARA Rabba says: Rabbi Eliezer and the initial version of the mishna said the same thing, as we learned in a mishna (*Ketubot 57a*): A virgin is given twelve months^H from the time of her betrothal to prepare herself, i.e., to prepare her trousseau. If the end of the twelve-month period arrived,^H even if he has not married her, she partakes of his food, i.e., he is obligated to provide for her. And if she was betrothed to a priest, she partakes of *teruma* like a priest's wife. However, a man, i.e., a priest, whose married brother died childless [*yavam*],^B does not enable the woman awaiting levirate marriage to him to partake of *teruma*^{NH} until they are actually married.

If the woman completed six months of awaiting marriage under the aegis of the husband, and he died, and then she completed six months under the aegis of the *yavam*; or even if she completed all of those months under the aegis of the husband,^N less one day; or all of them under the aegis of the *yavam* less one day, she may not partake of *teruma*. This is the initial version of the mishna. However, a court that convened after them, in a later generation, said: The woman may not partake of *teruma*^{NH} until she enters the marriage canopy, thereby finalizing the marriage. Rabbi Eliezer's opinion that her husband can nullify her vows after the completion of the period allotted after the betrothal follows the initial version, which requires the husband to support her from that point forward.

NOTES

בוגרת – With regard to a grown woman who waited, etc. – **ששיתה** רבי: The Meiri indicates that this *halakha* applies specifically to a grown woman and a widow, who are not under their fathers' authority for the purpose of nullifying their vows. The question then is whether a woman is entirely under her husband's jurisdiction once he is obligated in her sustenance.

The Ran appears to hold that this *halakha* applies even to a betrothed young woman. The issue is possibly related to which version of the mishna one views as correct. One version has the phrase: Who waited, modifying the grown woman. Accordingly, the mishna is addressing only a grown woman or a widow, who has a similar status. The other version inserts the word: And, between: Grown woman, and: Who waited, indicating that they are different women. Accordingly, the *halakha* taught in the mishna applies both to a grown woman and to a betrothed young woman who has waited the twelve months. On 70b both possible versions of the mishna are mentioned.

However a man, i.e., a priest, whose married brother died childless, does not enable the woman awaiting levirate marriage to him to partake of *teruma* – **אבל היבם אינו מאכיל** – **בתרומה**: The principle that marriage to a priest enables a woman to eat *teruma* is derived from the verse “But if a priest buy any soul, the purchase of his money, he may eat of it; and such as are born in his house, they may eat of his bread” (Leviticus 22:17). The Sages considered a wife to be acquired by her husband for this purpose. The Sages understand that only a husband, and not a *yavam*, has this power (*Ketubot 58a*). A *yevama* is not considered the acquisition of her *yavam* but rather the acquisition of her late husband. Some early commentaries understand

that by Torah law, even a *yavam* enables his *yevama* to partake of *teruma*, and the ruling that he may not is a rabbinic decree (Rabbeinu Tam; Rashba).

כולן – All of those months under the aegis of the husband, etc. – **בפני הבעל וכו'**: The early commentaries disagree with regard to a woman whose betrothed died after she had waited the full twelve months. Some authorities maintain that even if she had already partaken of *teruma* during the lifetime of her betrothed, the *yavam* does not enable her to partake of *teruma* (Rashi on *Ketubot 57b*). Rabbeinu Tam and the Commentary on *Nedarim* here hold that once she became permitted to partake of *teruma* during her betrothed's lifetime, she may then continue to do so, as the *yavam* provides her with a continuation of the rights she had in the lifetime of his brother (see *Tosafot* on *Ketubot 57b*).

אין האשה אוכלת – **אין האשה וכו'**: The Gemara elsewhere (*Ketubot 57b*) cites a dispute between *amora'im* pertaining to the reason why the Sages prohibited a woman betrothed to a priest from eating *teruma*, although she is permitted to do so by Torah law. Some explain that it is out of concern that upon becoming fully married, the husband might discover an unknown flaw in his wife that is significant enough to treat the betrothal as mistaken transaction, which is invalidated retroactively. Under such circumstances, she would have been transgressing when partaking of *teruma*. Others explain that since a betrothed woman generally still lives in her father's house, there is a concern that she might give part of the *teruma* she receives from her betrothed to her brothers and other members of her family, causing *teruma* to be eaten by non-priests.

HALAKHA

אין – הבעל מיפר עד שתכנס וכו': The husband does not nullify until she enters, etc. – **הבעל מיפר עד שתכנס וכו'**: A husband does not nullify the vows of the young woman betrothed to him on his own until she is fully married to him, even if he is obligated to provide for her, in accordance with the Rabbis' opinion (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 11:8; *Shulhan Arukh, Yoreh De'a* 234:5).

נותנין לבתולה שנים עשר: A virgin is given twelve months – **חדש**: If one betrothed a minor girl and waited a few years, and she then demanded to be fully married while still a young woman, she is given twelve months from the day of her demand in order to prepare her trousseau, after which she must be married (Rambam *Sefer Nashim, Hilkhot Ishut* 10:17; *Shulhan Arukh, Even HaEzer* 56:1).

If the end of the twelve-month period arrived, etc. – הגיע שנים עשר חדש וכו': If the time for a man to marry his wife arrived, but he did not marry her, he is obligated to provide for her, unless the delay was due to circumstances beyond his control (Rambam *Sefer Nashim, Hilkhot Ishut* 10:19; *Shulhan Arukh, Even HaEzer* 56:3).

אין האשה וכו': A man, i.e., a priest, whose married brother died childless, does not enable the woman awaiting levirate marriage to him to partake of *teruma* – **בתרומה**: An Israelite woman who is waiting for a priest to perform levirate marriage with her may not partake of *teruma*, as her *yavam* has not yet acquired her (Rambam *Sefer Zera'im, Hilkhot Terumat* 8:5).

אין האשה וכו': A woman may not partake of *teruma*, etc. – **אין האשה וכו'**: An Israelite woman who is betrothed to a priest may not partake of *teruma* until she is fully married. A betrothed woman may not partake of *teruma* due to a rabbinic decree, lest she feed *teruma* to her family or lest the marriage be annulled (Rambam *Sefer Zera'im, Hilkhot Terumat* 8:7).

BACKGROUND

אין האשה וכו' – **אין האשה וכו'**: A man whose brother died without children is obligated by Torah law to marry his deceased brother's widow or to perform with her *halitza*, the ritual through which the *yavam* frees the *yevama* of her levirate bonds (see Deuteronomy 25:5–10). As long as neither levirate marriage nor *halitza* has taken place, it is prohibited for her to marry another man. According to the Torah, levirate marriage is effected by the act of sexual intercourse. The Sages, however, instituted the practice of levirate betrothal, in which the *yavam* betroths the widow before consummating the levirate marriage. Upon consummation of the levirate marriage, the *yevama* becomes her brother-in-law's wife in all respects, except for the fact that her marriage contract is paid out of her deceased husband's estate. In nearly all modern Jewish communities, levirate marriage is no longer practiced, and the brother-in-law is required to perform *halitza*.

Rav Pineḥas – רב פנהס: Rav Pineḥas was a fifth-generation Babylonian *amora* and a disciple of Rava. He most commonly appears in the Gemara reporting statements he heard from his teacher. After Rava's passing, it is recorded that Rav Pineḥas participated in halakhic discussion with Rav Pappa and the other Sages of that generation.

אמר ליה אביי: דלמא לא היא; עד כאן
לא קא אשמעינן משנה ראשונה אלא
למיכל בתרומה דרבנן, אבל נדרים
דאורייתא – אימא לא.

ועד כאן לא שמעת ליה לרבי אליעזר
אלא גבי נדרים, כדרב פנהס משמיה
דרבא, דאמר: כל הנודרת – על דעת
בעלה היא נודרת. אבל תרומה – אפילו
מדרבנן נמי לא אכלה.

Abaye said to him: Perhaps it is not so. The initial version of the mishna teaches us only about the permissibility of her partaking of *teruma* whose status is by rabbinic law,^N but with regard to vows, whose prohibitions have the force of Torah law, say that her betrothed cannot nullify them.

And perhaps you did not hear Rabbi Eliezer state his opinion that a betrothed woman is regarded as married **only with regard to vows**. Perhaps Rabbi Eliezer holds **like that** which Rav Pineḥas^P said^N in the name of Rava, who said: Any woman who takes a vow, takes a vow contingent upon the consent of her husband, since he provides her sustenance. Perhaps Rabbi Eliezer grants her betrothed authority over her vows only because she vows with his consent in mind, since he is now obligated to provide for her. **But** with regard to *teruma*, Rabbi Eliezer might hold that **even** if it is *teruma* by rabbinic law, she may not partake of it.

NOTES

Of *teruma* whose status is by rabbinic law – בתרומה דרבנן: The Commentary on *Nedarim* offers two explanations with regard to what is *teruma* according to rabbinic law. The first explanation is that the Gemara is referring to food that has the status of *teruma* by rabbinic decree, such as produce growing in a non-perforated container, or vegetables and fruit that are not among the plants that are subject to *teruma* by Torah law. The second explanation is that the Gemara is referring to *teruma* in the present, in accordance with the opinion that there is no Torah obligation to separate *teruma* in the present, but the Sages nevertheless instituted an ordinance to do so. However, most early commentaries explain the leniency about *teruma* by rabbinic law differently: The Gemara is not referring to produce whose status is that of *teruma* by rabbinic law but to the prohibition for a woman betrothed to a priest to partake of *teruma*. This prohibition is by rabbinic law, even if the *teruma* in question has the status of *teruma* by Torah law (*Tosafot*; Rashba; Rosh).

Like that which Rav Pineḥas said – כדרב פנהס: One might have thought that the statement of Rav Pineḥas is in accordance only with the opinion of Rabbi Eliezer in the mishna. However,

the early commentaries are of the opinion that the Rabbis also accept the statement of Rav Pineḥas but disagree with regard to its application. According to Rabbi Eliezer, the right to nullify her vows is granted to whoever supports her, even if he is not fully married to her. According to the Rabbis, when Rav Pineḥas states that any woman who takes a vow, takes a vow contingent upon the consent of her husband, he is not referring to this case, where the husband is obligated in her sustenance before marriage. Rather, he is referring to a case where there is a full marriage by rabbinic law, e.g., when a minor girl orphaned of her father is married off by her mother (Rashba; Ran).

The Jerusalem Talmud maintains that according to Rabbi Eliezer, the right to nullify a vow is always given to whoever is obligated to provide for the woman. Even if a betrothed man stipulates that he will sustain his betrothed from the time of their betrothal, he has the exclusive authority to nullify her vows from the moment of the betrothal, without any involvement by her father. Conversely, if it is stipulated that only the father will provide for the woman even after they are fully married, the father retains authority over her vows even after she is fully married.