

HALAKHA

Once one has sown them in the ground, etc. – כִּי־שָׂרְעָן – בְּקֶרְקַע וְכוּ: If impure seeds are sown in the ground, the produce that sprouts from them is ritually pure, even if they are of the type of plant whose seed is not consumed in the sprouting process. This applies only if they took root in the earth; otherwise, they retain their impurity (Rambam *Sefer Tahara, Hilkhot Tumat Okhhalin* 2:19).

Already sown – זְרוּעֵי־עוֹמְדִים: Any produce that grows from the ground cannot become impure until it has been uprooted (Rambam *Sefer Tahara, Hilkhot Tumat Okhhalin* 2:1).

One who was already sold goes free – מְכֻרָה כְּבֵר יוֹצֵאָה: As soon as a Hebrew maidservant develops signs of maturity and becomes a young woman, she goes free without having to pay any money (Rambam *Sefer Kinyan, Hilkhot Avadim* 4:5).

That she cannot be sold – שְׁלֵא תִמְכַּר: A girl who has matured, i.e., she has two pubic hairs and she has reached age twelve, attains the status of a young woman, and her father can no longer sell her as a maidservant (Rambam *Sefer Kinyan, Hilkhot Avadim* 4:1).

אִמָּא סִיפָא: אָמְרוּ לוֹ לְרַבִּי אֱלִיעֶזֶר: אִם מְטַבְּלִין כְּלֵי טָמֵא לִיטְהַר – יִטְבְּלוּ כְּלֵי לְבָשִׁיטָמָא לִיטְהַר? שְׂמַע מִינָהּ חֵיילִין.

אָמְרוּ: רַבְּנָן לָא קִיַּיְמִי לְהוֹן בְּטַעְמִיהּ דְּרַבִּי אֱלִיעֶזֶר, וְהֵכִי קָאָמְרִי לִיהּ: מַאי סְבִירָא לָךְ? אִי סְבִירָא לָךְ דְּחֵיילִין וּבְטָלִין – תְּהוּי כְּלֵי תִיּוּבְתָךְ, אִי לָא סְבִירָא לָךְ דְּחֵיילִין – תְּהוּי מְקוּהָ תִיּוּבְתָךְ.

תָּא שְׂמַע, אָמַר לְהֵם רַבִּי אֱלִיעֶזֶר: וְמַה זְרוּעִים טָמְאִים, כִּי־שָׂרְעָן בְּקֶרְקַע – טְהוּרִין, זְרוּעֵי־עוֹמְדִים – לָא כָּל שְׂבָן? שְׂמַע מִינָהּ: לָא חֵיילִין.

וְרַבְּנָן לָא דְרָשִׁי קַל וְחוֹמֵר? וְהֵא תִמְכַּר: יָכוֹל יִמְכּוֹר אָדָם אֶת בִּתּוֹ כְּשֶׁהִיא נַעֲרָה? אָמְרַתְּ קַל וְחוֹמֵר: מְכֻרָה כְּבֵר יוֹצֵאָה, אֵינָה מְכֻרָה אִינוּ דִּין שְׁלֵא תִמְכַּר?

The Gemara rejects this conclusion and refers back to the *baraita*. Say the latter clause of that *baraita*: They said to Rabbi Eliezer: If one immerses an impure vessel to purify it, shall one immerse a vessel in advance so that when it will become impure it will then be purified? Learn from this clause of the *baraita* that according to Rabbi Eliezer, vows nullified preemptively take effect momentarily and are then immediately nullified. The Rabbis' objection is that according to Rabbi Eliezer, prior immersion should purify an item that momentarily became impure.

The Gemara rejects this conclusion: One could say that the Rabbis could not determineⁿ the reasoning of Rabbi Eliezer, and this is what they said to him: What do you hold? If you hold that preemptively nullified vows take effect momentarily and are then nullified, then the example of a vessel will be your refutation, i.e., will serve to refute your opinion. If you do not hold that they take effect, but rather that they do not take effect at all, then the example of a ritual bath will be your refutation.

Come and hear: Rabbi Eliezer said to them: And just as ritually impure seeds,ⁿ once one has sown them in the ground,^h become pure, then with regard to those which are already sown^h and then come into contact with impurity, should they not all the more so be pure? Similarly, vows that have been preemptively nullified should be nullified, since a husband can nullify vows after they have been taken. Learn from this *baraita* that according to Rabbi Eliezer preemptively nullified vows do not take effect at all, just as seeds that were already sown do not become impure at all.

The Gemara comments: And the Rabbis, do they not teach *halakhot* based upon an *a fortiori* inferenceⁿ of this sort? But isn't it taught in a *baraita*: Can a person sell his daughter as a maidservant when she is a young woman? You can say an *a fortiori* inference to show that he cannot: A maidservant who was already sold goes free^{hn} upon becoming a young woman; with regard to one who has not been sold, is it not logical that she cannot be sold^h once she already is a young woman? This *baraita* shows that the Rabbis do utilize similar *a fortiori* inferences.

NOTES

The Rabbis could not determine, etc. – רַבְּנָן לָא קִיַּיְמִי לְהוֹן וְכוּ: The Gemara here is explaining why the Rabbis offer arguments opposing Rabbi Eliezer's opinion that depend upon conflicting interpretations of what his opinion actually is. There are other examples in the Gemara in which a dispute is recorded and internally contradictory arguments are offered, indicating that the disputant is unaware of the other's precise line of reasoning and consequently tries to refute his claims from several different perspectives.

And just as ritually impure seeds, etc. – וְמַה זְרוּעִים טָמְאִים: וְכוּ: The *halakha* that impure seeds are purified when they take root in the ground is derived from the verse "Any sowing seed which is sown is ritually pure" (Leviticus 11:37). Although it appears from the Gemara that Rabbi Eliezer's *a fortiori* inference is accepted as valid even by the Rabbis, the Ran suggests that the Rabbis do not accept it. He suggests that according to the Rabbis, the *halakha* that seeds do not become impure while they are planted in the ground is not derived *a fortiori*, but directly from the verse, as it teaches that all seeds planted in the ground are pure, regardless of whether they were impure before being planted, or whether they came into contact with

impurity while planted. In the absence of the *a fortiori* inference, the analogy to preemptive nullification of vows fails.

And the Rabbis, do they not teach *halakhot* based upon an *a fortiori* inference – וְרַבְּנָן לָא דְרָשִׁי קַל וְחוֹמֵר: The Gemara is clearly not asking about *a fortiori* inferences in general, as there is no doubt that these inferences are valid. Rather, it is referring to this particular type of *a fortiori* inference. Ran explains the question as follows: Do the Rabbis not accept that one can use an *a fortiori* inference of the following sort: If an item has a status that may be canceled if a certain state of affairs is reached, then all the more so, if that state of affairs has already been achieved, the item does not attain that status. It is conceivable that the Rabbis might be opposed to this particular type of *a fortiori* inference, since there are, in fact, statuses that can be canceled once they are in existence, although one cannot prevent them from occurring in the first place.

A different opinion is presented by Rabbi Yitzhak Tzarfati. This *a fortiori* inference is unusual in that it can be applied to the *halakhot* of vows only by analogy and the *a fortiori* logic is not what connects the *halakhot* of ritual purity with the *halakhot* of vows. Under the circumstances, it is conceivable that each

area of *halakha* has its own internal logic and that the analogy cannot be drawn.

Rabbi Eliezer of Metz asks a different question: How can the Gemara suggest that the Rabbis do not accept an *a fortiori* inference of this kind, when they themselves offer arguments from the *halakhot* of a ritual bath and the purification of vessels based on similar *a fortiori* inferences? He explains that the Rabbis might reject such *a fortiori* inferences and use that type of reasoning solely for the sake of argument, in order to refute Rabbi Eliezer's opinion with his own type of reasoning.

Already sold goes free – מְכֻרָה כְּבֵר יוֹצֵאָה: The Sages derived this *halakha* from the redundant wording in the verse "then she shall go out for nothing, without money" (Exodus 21:11). The words "without money" indicate that one who is sold as a girl is freed upon reaching the status of a young woman, when she is twelve years old and is physically mature enough to have two pubic hairs. They derive through an *a fortiori* inference that at this point her father may no longer sell her as a maidservant, although he retains certain privileges, such as the authority to betroth her, until she becomes a grown woman, six months after she reaches the status of a young woman.

אין, בעלמא דרשי קל וחומר, ושאני
הבא דאמר קרא "אישה יקימנו
ואישה יפרנו" – את שבא לכלל הקם
בא לכלל הפר, את שלא בא לכלל
הקם – לא בא לכלל הפר.

מתני' הפרת נדרים כל היום. יש
בדבר להקל ולהחמיר.

ביצוד? נדרה בלילי שבת – יפר בלילי
שבת ובוים השבת עד שתחשך.
נדרה עם חשכה – מפר עד שלא
תחשך, שאם חשכה ולא הפר – אינו
יכול להפר.

גמ' תנא: הפרת נדרים כל היום.
רבי יוסי ברבי יהודה ורבי אלעזר
ברבי שמעון אמרו: מעת לעת. מאי
טעמא דתנא קמא – אמר קרא "ביום
שמעו".

ורבנן מאי טעמייהו – דכתיב "מיום
אל יום".

ולתנא קמא. הא כתיב "מיום אל
יום! איצטריך, דאי "ביום שמעו"
הוה אמינא ביממא – אין בליליא –
לא. כתיב "מיום אל יום".

The Gemara answers: **Yes, generally they do teach halakhot** based upon an *a fortiori* inference of this type, **but here it is different, as the verse states: "Her husband may ratify it, or her husband may nullify it"** (Numbers 30:14). The Rabbis interpret this to mean: **That which has become eligible for ratification, i.e., a vow that she has already taken, has become eligible for nullification.** However, **that which has not become eligible for ratification, i.e., a vow she has not yet taken, has not become eligible for nullification.**

MISHNA The nullification of vows can be performed **all dayⁿ** on the day on which the vow was heard. **There is in this matter both a leniency, extending the nullification period, and a stricture,ⁿ curtailing that period.**

How so? If a woman took a vow on Shabbat evening,ⁿ her father or husband can nullify the vow on Shabbat evening, and on Shabbat day until dark. This is an example of extending the nullification period. However, if she took a vow with nightfall approaching, her father or husband can nullify the vow only until nightfall, since, if it became dark and he had not yet nullified her vow, he cannot nullify it anymore. This is an example of a curtailed nullification period.

GEMARA It is taught in a *baraita*: The nullification of vows can be performed **all dayⁿ** on the day on which the vow was heard. **Rabbi Yosei, son of Rabbi Yehuda, and Rabbi Elazar, son of Rabbi Shimon, said:** A vow can be nullified for a twenty-four-hour period from the time it was heard. The Gemara asks: **What is the reason for the opinion of the first tanna?** The Gemara answers: Since the verse states: "But if her husband make them null and void on the day that he hears them" (Numbers 30:13), he derives that the husband can nullify his wife's vow only until the end of the day on which he hears the vow.

The Gemara asks: **And with regard to the Rabbis, Rabbi Yosei, son of Rabbi Yehuda, and Rabbi Eliezer, son of Rabbi Shimon, what is their reason?** The Gemara answers: **It is written: "From day to day"** (Numbers 30:15), which indicates that a vow can be nullified from a particular hour on one day until the same hour on the following day.

The Gemara asks: **And according to the first tanna, isn't it written: "From day to day"?** The Gemara answers: That verse is necessary, as if it had said only "on the day that he hears them," I would say that during the day, yes, he can nullify vows, but at night he is not able to. Therefore, it is written: "From day to day,"ⁿ to teach that nullification can be performed even between one day and the next, i.e., night.

HALAKHA

הפרת נדרים – הפרת נדרים כל היום: A father can nullify his daughter's vows only on the day he heard the vow, and he can nullify them during that entire day. These same *halakhot* apply to a husband who nullifies his wife's vows (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 12:15; *Shulhan Arukh, Yoreh De'a* 234:21).

From day to day – מיום אל יום: When the Torah states: "From day to day" (Numbers 30:15), with regard to the nullification of vows, it means that one can nullify the vow all day until the evening. If the vow was uttered at night, one has all of that night and all of the daylight hours of the following day in which to nullify it (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 12:16; *Shulhan Arukh, Yoreh De'a* 234:21).

NOTES

A leniency and a stricture – להקל ולהחמיר: The Ran and the Rosh point out that this description is imprecise, as leniencies and strictures usually refer to different ways of ruling halakhic questions. Here, the leniency and stricture merely refers to there being more or less time for the vow to be nullified.

If a woman took a vow on Shabbat evening – נדרה בלילי שבת: Shabbat is cited as an example; the same *halakha* applies if she takes a vow on any other day at the beginning of the night. Some commentaries say that the mishna uses this particular example in order to teach that the day with regard to hearing vows begins in the evening, just like Shabbat (Commentary

on *Nedarim*; Rosh; *Shita Mekubbetzet*). The Rambam, in his Commentary on the Mishna, explains that the mishna cites this example in order to teach in passing that vows may be nullified on Shabbat.

הפרת נדרים – הפרת נדרים כל היום: The Jerusalem Talmud cites another case in which there is a difference between the two opinions, a case where the husband loses the power of speech and subsequently regains it. If he regains the ability to speak on the same day, then according to the first *tanna* he can nullify the vow only until the end of that day, and according to Rabbi Yosei, son of Rabbi Yehuda, and

Rabbi Elazar, son of Rabbi Shimon, the period he was mute does not count toward the twenty-four hours he has been allotted to nullify the vow. If he regains the ability to speak after the end of the day he heard the vow, according to the first *tanna*, he is allotted until the end of the day on which he regained the power to speak. According to Rabbi Yosei, son of Rabbi Yehuda, and Rabbi Elazar, son of Rabbi Shimon, the length of the interval in which he was mute makes no difference; he is allotted a sum total of twenty-four hours in which he has the ability to nullify his wife's vow.

Pair [zug] – **זוג**: Although this word appears to have entered the Hebrew language relatively early, the source of this word is the Greek ζυγόν, *zugon*, whose primary meaning is a pair of oxen. It evolved to mean any combination of two items, and in tannaitic Hebrew it often refers to a pair of Sages who share an opinion.

My uncle [havivi] – **חביבי**: This word means uncle, father's brother. Some understand it as a truncated form of *ahī avi*, meaning my father's brother. However, it seems that it is connected with the other meaning of *haviv*, which means precious. This connection echoes the dual meaning of Hebrew. Rabbi Ḥiyya was both the paternal uncle and the maternal uncle of Rav (see *Sanhedrin 4a*), and Rav was also his preeminent disciple. It would appear that it was for this reason that Rav referred to him in this way, as it has the dual connotation of familial closeness and affection.

Arrow [gira] – **גירא**: Possibly related to the Greek γέρρον, *gērōn*, one of whose meanings is arrow.

ולמאן דאמר "מיום אל יום" הא
כתוב "ביום שמעו!" איצטריד, דאי
כתוב "מיום אל יום" הוה אמינא
מחד בשבא לחד בשבא ליפר לה,
כתוב "ביום שמעו".

אמר רבי שמעון בן פוי אמר רבי
יהושע בן לוי: אין הלכה כאותו
הזוג. לוי סבר למיעבד בהני תנאי.
אמר ליה רב: הכי אמר חביבי: אין
הלכה כאותו הזוג.

חייא בר רב שדי גירא ובדיק, רבה
בר רב הונא יתיב וקאים.

The Gemara asks: **And according to the one who said that "from day to day" indicates a twenty-four-hour period for nullification, isn't it written: "On the day that he hears them?"** The Gemara explains here, too: That verse was necessary, as if it had written only "from day to day," I would say that he can nullify a vow for her until the same day in the following week, i.e., he can nullify her vow during the entire period from one Sunday to the next Sunday. Therefore, it is written: "On the day that he hears them" to teach that nullification is limited to a period of a single day of twenty-four hours.

Rabbi Shimon ben Pazi said that Rabbi Yehoshua ben Levi said: **The halakha is not in accordance with that pair [zug],^{LN} Rabbi Yosei, son of Rabbi Yehuda, and Rabbi Eliezer, son of Rabbi Shimon, who hold that one has an entire twenty-four-hour period to nullify vows. Rather, one can nullify only on that day, as stated in the mishna.** The Gemara relates: **Levi thought to act in accordance with the opinion of those two tanna'im. Rav said to him: So said my uncle [havivi],^L Rabbi Ḥiyya: The halakha is not in accordance with that pair.**

The Gemara relates that when a case of dissolving a vow was brought before Ḥiyya bar Rav, he would shoot an arrow [gira]^L and examine^N the vow at the same time. In other words, he would not examine the case in great depth, but would immediately dissolve it. Similarly, **Rabba bar Rav Huna would sit to review the vow and stand^N immediately, without conducting a comprehensive examination.**

NOTES

אין הלכה – The halakha is not in accordance with that pair – **כאותו הזוג**: The Rosh points out that the Gemara did not need to make an explicit ruling, as presumably the *halakha* is in accordance with the unattributed mishna. It did so because the minority opinion is that of two *tanna'im*, which one might suppose is the majority opinion, especially according to the version of the text quoted by the *ge'onim*, which attributes the opinion in the mishna to Rabbi Yehuda HaNasi, which would make it an individual opinion against many. Furthermore, the opinion of the pair of Sages offers a clearer reading of the Torah. The Rosh and other commentaries cite a version of the text that reads: The *halakha* is in accordance with that pair, which is similar to the conclusion of the Gemara in tractate *Shabbat* (157a). However, the conclusion here does not accept the opinion of that pair of Sages.

Shoot an arrow and examine – שדי גירא ובדיק: The Rosh explains this according to a version of the text that reads: The *halakha* is in accordance with that pair, and explains that Ḥiyya bar Rav, when he heard his wife take a vow, would use an arrow as a sundial in order to know when the twenty-four-hour period

for nullifying the vow would conclude. The Rosh notes that if the correct version of the text is: The *halakha* is not in accordance with that pair, and these reports are about how these Sages would dissolve vows in their roles as halakhic authorities, then these observations are out of place, and they should have been cited later, together with the *halakhot* of the dissolution of vows. The Ran explains that these comments are cited incidentally: After the Gemara mentioned Rav citing his uncle, it reported a tradition on a related topic concerning Rav's son.

Sit to review the vow and stand – יתיב וקאים: The Commentary on *Nedarim* and the Ran explain that Rabba bar Rav Huna would not sit in one place and carefully examine the vow, but would casually sit or stand as convenient while dissolving a vow. According to the opinion that these accounts do not refer to the dissolution of vows by halakhic authorities but to the nullification within twenty-four hours of vows made by the wives of these Sages, the purpose of sitting and standing was to measure the length of his shadow so that he could know until what time the next day he could nullify the vow (Rosh).