

מְתִיב רַב חִסְדָּא: חוֹמֵר בְּהֶקֶם מִבְּהֶפֶר,
וּבְהֶפֶר מִבְּהֶקֶם; חוֹמֵר בְּהֶקֶם

Rav Hisda raised an objection from a different *baraita*: In some ways the *halakha* is more stringent in ratification than in nullification, and in other ways it is more stringent in nullification than in ratification. The stringency in ratification of vows is

Perek X
Daf 79 Amud a

HALAKHA

If the husband ratified a vow in his heart, etc. – קיים: **בְּלִבּוֹ וכו'**: If a man ratifies the vow of his wife or daughter in his heart, the vow is ratified, even if he did not also articulate the ratification. However, if he nullifies it in his heart, it is not nullified. Therefore, if he nullified a vow in his heart he may change his mind and ratify it, but if he ratified a vow in his heart he can no longer nullify it (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 13:19; *Shulhan Arukh, Yoreh De'a* 234:41).

One may request dissolution of the ratification, etc. – נִשְׁאַלֵּן עַל הַקֶּהֱם וכו': One who ratified the vows of his wife or daughter and regretted his decision may request dissolution of his ratification from a halakhic authority. Once the ratification is dissolved, the husband can nullify his wife's vow on the same day. Some authorities maintain that he can request dissolution of his ratification only on the day that he ratified it. By contrast, if he nullified her vow and changed his mind, he cannot request dissolution of his nullification to enable ratification of the vow (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 13:20; *Shulhan Arukh, Yoreh De'a* 234:49).

שֶׁהִשְׁתִּיקָהּ מִקִּימָתָּהּ, וְאִין שְׁתִּיקָהּ מִבְּטָלָתָּהּ. קִיִּים בְּלִבּוֹ – קִיִּים, הִפֵּר בְּלִבּוֹ – אִינוּ מוֹפְרִי. קִיִּים – אִין יָכוֹל לְהִפֵּר, הִפֵּר – אִין יָכוֹל לְקַיִּים. קָתַנְי: שֶׁהִשְׁתִּיקָהּ מִקִּימָתָּהּ, מֵאִי לְאֹר בְּשׁוֹתֵק עַל מְנַת לְמִיקָט?

לֹא, בְּשׁוֹתֵק עַל מְנַת לְקִיִּים. הֵינּוּ: קִיִּים בְּלִבּוֹ קִיִּים! אֶלֶּא בְּשׁוֹתֵק סָתָם.

אֲשַׁבְּחֵן חוֹמֵר בְּהֶקֶם מִבְּהֶפֶר, בְּהֶפֶר מִבְּהֶקֶם מֵנָּא לֵן? אָמַר רַבִּי יוֹחָנָן: נִשְׁאַלֵּן עַל הַקֶּהֱם וְאִין נִשְׁאַלֵּן עַל הִפְּרָהּ.

מְתִיב רַב כְּהֵנָּא: "וְאִם הִחֲרַשׁ יַחְרִישׁ לָהּ אִישָׁה" וְגו' – בְּשׁוֹתֵק עַל מְנַת לְמִיקָט הַכְּתוּב מְדַבֵּר. אֲתָהּ אֹמֵר בְּשׁוֹתֵק עַל מְנַת לְמִיקָט, אוֹ אִינוּ אֶלֶּא בְּשׁוֹתֵק עַל מְנַת לְקִיִּים?

that silence ratifies a vow, but silence does not cancel, i.e., nullify, a vow. If the husband ratified a vow in his heart,^N it is ratified,^N but if he nullified it in his heart, it is not nullified.^N The *baraita* adds: If he ratified a vow he can no longer nullify it; and similarly, if he nullified a vow he can no longer ratify it.^N In any case, the *baraita* teaches that silence ratifies a vow. What, is it not referring even to one who is silent in order to annoy his wife?

The Gemara rejects this interpretation: No, it is referring to one who is silent in order to sustain the vow. The Gemara asks: If so, this is the same as: If the husband ratified a vow in his heart, it is ratified. Rather, the phrase in the *baraita*: Silence ratifies a vow, is referring to a case where the husband is silent without specifying his intent.

Relating to the *baraita*, the Gemara asks: We found how the *halakha* is more stringent in ratification of vows than in nullification of vows, but where do we find a case in which the *halakha* is more stringent in nullification than in ratification? Rabbi Yoḥanan says: One can request from a halakhic authority dissolution of the ratification^{HN} of a vow his wife took, but one cannot request dissolution of the nullification^N of a vow.

Rav Kahana raised an objection to the opinion of Rabbi Ḥanina that a husband who is silent about his wife's vow in order to annoy her can nullify it even several days later. A *baraita* teaches: "But if her husband altogether hold his peace at her from day to day, then he causes all her vows to be ratified" (Numbers 30:15). The verse is speaking of one who is silent in order to annoy his wife. Do you say that the verse is referring to one who is silent in order to annoy her, or it is referring only to one who is silent in order to ratify the vow?

NOTES

If the husband ratified a vow in his heart, it is ratified – קיים: **בְּלִבּוֹ וכו'**: The Ran explains that the source for this distinction is the Torah's statement "And her husband hears it, on the day that he hears it, and holds his peace at her, then her vows shall be ratified" (Numbers 30:8). In other words, the husband's silence is a form of ratification. In order to ratify a vow, the husband is not required to act or make a statement; only his implicit agreement is necessary. The Torah states that he is given one day in which to state that he does not in fact agree and therefore he must articulate the nullification during that period of time.

Some later commentaries discuss the validity of the Ran's reasoning, as there is a difference between one who reveals his intention by remaining silent an entire day and one who simply ratifies the vow in his heart without clearly revealing his intention. Matters of the heart, i.e., unarticulated intentions, are generally of no halakhic consequence (see *Gilyon HaShas*). Rabbi Avraham min HaHar understands the ratification that results from silence to be the automatic result of the husband of father not nullifying the vow, with no additional action required. Under such circumstances, any approval on their part, even when not articulated, serves as ratification.

If he nullified it in his heart, it is not nullified – **בְּלִבּוֹ – אִינוּ מוֹפְרִי**: Although the Gemara mentioned earlier (77b) that Beit Hillel hold that a man can nullify a vow in his heart on Shabbat, the early commentaries explain that this applies only if the husband also instructs her to eat, or otherwise violate her vow, which serves to de facto cancel the vow (see *Tosafot* and *Rosh*).

If he nullified a vow he can no longer ratify it – **אִין יָכוֹל – לְקִיִּים**: In the Rambam's Commentary on the Mishna, he cites a version of the text that reads: If he nullified he can ratify. He explains this statement as referring to nullification in one's heart, which can be retracted as long as it is not articulated. According to the standard version of the text, the nullification referred to is one that is articulated. Once that takes place, there is no further possibility of ratification, as the vow has been canceled and there is nothing to ratify (see Rabbi Avraham min HaHar). The Meiri contends that if one retracts his ratification or nullification within the time needed for speaking, i.e., the time it takes to greet one's teacher, his retraction is valid. This follows the principle that any statement made after a previous statement, within the time needed for speaking, overrides it, although there are some exceptions to this principle.

One can request dissolution of the ratification – **נִשְׁאַלֵּן עַל הַקֶּהֱם**: Some early authorities maintain that the husband may request the dissolution of his decision to ratify a vow only on the day he heard it, but not afterward. If the wife wishes to be released from the vow after the day it is heard, her only recourse is to request dissolution of the vow from a halakhic authority (Ran; *Tosafot* on *Ketubot* 71b).

But one cannot request dissolution of the nullification – **אִין – נִשְׁאַלֵּן עַל הִפְּרָהּ**: The commentaries understand that the reason one cannot request dissolution of the nullification is because the power granted a halakhic authority to dissolve a vow is limited to dissolving vows alone. A halakhic authority does not have the power to take a vow on behalf of another. Therefore, he cannot dissolve nullification, as that would be tantamount to imposing a new vow on the woman. Some claim that this ruling relates to the vow of a betrothed young woman where either the husband or the father nullified his share and the other, instead of nullifying, goes to have the vow dissolved. This cannot be done, because the Torah grants the halakhic authority the power to dissolve vows only in their entirety, and not to dissolve partially nullified vows (Commentary on *Nedarim; Talmidei Rabbeinu Peretz*).

One who is silent in order to annoy – שותק על מנת – לְמִיקָט: One who heard the vow of his wife or daughter and remained silent can no longer nullify the vow once the day has ended, even if he was silent only in order to annoy her (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 12:18; *Shulhan Arukh*, *Yoreh De'a* 234:21).

I do not know that there are those who can nullify, etc. – אֵינִי יוֹדֵעַ שְׁיֵשׁ מְפִירִין וְכוּ': If the husband or father remained silent because he did not know that he has the authority to nullify vows or because he thought that this particular vow cannot be nullified, his silence does not serve to ratify the vow, even after the passage of several days. Rather, the moment he became aware of his authority over the vow is considered the moment he heard it, and he can nullify the vow during that entire day (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 12:20; *Shulhan Arukh*, *Yoreh De'a* 234:21).

BACKGROUND

A conclusive refutation [teyuveta] – תְּיֻבְתָּא: This term is usually used when the Gemara presents a conclusive refutation of an amoraic statement on the basis of a tannaitic source that contradicts the statement of the amora. This is one of a number of expressions based on the Aramaic root *tav, vav, beit*, literally return or reply, that have the connotation of refutation. When an amora objects to the opinion of another amora, citing a tannaitic source, the expression used is *eitvei*, raised an objection, e.g., X raised an objection [eitvei] against the opinion of Y. When an amora raises an objection against an unattributed amoraic opinion, citing a tannaitic source, the expression employed is *meitiv*, he raised an objection. When the Gemara itself raises an objection citing a tannaitic source, the term is *meitivei*, meaning an objection was raised. When the refutation is conclusive, the expression *teyuveta* is often used, bringing the discussion to a close.

בְּשֵׁהוּא אוֹמֵר "כִּי הִחְרַשׁ לָהּ" – הָרִי בְּשֹׁתֵק עַל מְנַת לְקִיִּים הַפְּתוּב מְדַבֵּר, הָא מָה אֵינִי מְקַיִּים "אִם הִחְרַשׁ יַחְרִישׁ לָהּ אִישָׁה" – בְּשֹׁתֵק עַל מְנַת לְמִיקָט הַפְּתוּב מְדַבֵּר. תְּיֻבְתָּא.

The *baraita* continues: When it says, in the continuation of the same verse: "He has ratified them, because he held his peace at her on the day that he heard them" (Numbers 30:15), the verse is speaking of one who is silent in order to ratify the vow. How do I realize the meaning of: "If her husband altogether holds his peace at her"? It must be that the verse is speaking of one who is silent in order to annoy^H his wife, and that this is also considered an act of ratification. This *baraita* is a conclusive refutation [teyuveta]^B of Rabbi Hanina's opinion.

וְלוֹקִים הָא – בְּשֹׁתֵק עַל מְנַת לְקִיִּים, הָא – בְּשֹׁתֵק סְתָם! קְרָאִי יַחְרִישׁ בְּתִיבֵי.

The Gemara asks about this *baraita*: And let the *tanna* interpret this part of the verse as referring to one who is silent in order to ratify the vow, and that part of the same verse as referring to one who was silent without specifying his intent, as the Gemara suggests above in explanation of the *baraita*? The Gemara answers: Superfluous verses are written^N about silence, leading to the conclusion that whatever the reason for the husband's silence, the vow is ratified.

מְתִיב רַבָּא: נִדְרָה עִם חֲשָׁבָה – מִפְּרָ לָהּ עַד שְׁלֵא חֲשָׁבָה, שְׂאִם לֹא הִפְרִי וְחֲשָׁבָה – אֵינִי יוֹכֵל לְהִפְרִי. אִמְאִי לְהָוִי בְּשֹׁתֵק עַל מְנַת לְמִיקָט! תְּיֻבְתָּא.

Rava raised a further objection^N to the opinion of Rabbi Hanina, from a mishna (76b): If she took a vow on Friday 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. Why should this be so? Let the fact that the husband refrained from nullifying the vow out of respect for Shabbat be regarded like one who is silent in order to annoy his wife, who, according to Rav Huna, can still nullify the vow later. The fact that this is not the case is a conclusive refutation of the opinion of Rabbi Hanina.

מְתִיב רַב אֲשִׁי: "יֹדֵעַ אֲנִי שְׁיֵשׁ נְדָרִים אֲבָל אֵינִי יוֹדֵעַ שְׁיֵשׁ מְפִירִין" – יִפְרִ: "יֹדֵעַ אֲנִי שְׁיֵשׁ מְפִירִין אֲבָל אֵינִי יוֹדֵעַ שְׁוָה נְדָר", רַבִּי מֵאִיר אוֹמֵר: לֹא יִפְרִ, וְחֲכָמִים אוֹמְרִים: יִפְרִ.

Rav Ashi also raised an objection to Rabbi Hanina's opinion, from another mishna (87b): If a husband or father said, after failing to nullify a vow on the day he heard it: I know that there are vows, but I do not know that there are those who can nullify^H vows, i.e., he was unaware that he can nullify a vow, he can nullify it even after the day he heard it. However, if he said: I know there are those who nullify, but I refrained from nullifying the vow because I do not know that this is considered a vow^N that I could nullify, Rabbi Meir says: He cannot nullify at this point, but the Rabbis say: Even in this case he can nullify the vow when he discovers his error.

וְאִמְאִי? לְהָוִי בְּשֹׁתֵק עַל מְנַת לְמִיקָט! תְּיֻבְתָּא.

Rav Ashi asks rhetorically: But why may he not nullify according to Rabbi Meir's opinion? Let his silence by mistake be like that of one who is silent^N in order to annoy, who, according to Rabbi Hanina, can nullify the vow at a later stage. This is a conclusive refutation of Rabbi Hanina's opinion.

הַדְרִין עַלְךָ גַּעְרָה הַמְּאוֹרָסָה

NOTES

Superfluous verses are written – קְרָאִי יַחְרִישׁ בְּתִיבֵי: The Commentary on *Nedarim* explains that two types of silence can be derived from the double expression used with regard to a husband's silence: "*Haḥaresh yaḥarish*" (Numbers 30:15), translated as: "Altogether holds his peace." The root is repeated again in the same verse with the phrase "because he held his peace [*ki heḥerish*]," indicating a third type of silence. In total, there are three types of silence: One who is silent in order to ratify the vow, one who is silent without specification of his intent, and one who is silent in order to annoy his wife.

Some commentaries claim that there is no need to derive three types of silence from this particular verse. Rather, the concept that silence effects ratification appears many times in this section, with regard to both the father and the husband, and the superfluity of these various verses teaches that all sorts of silence serve to ratify a vow (Rabbi Yitzhak Tzarfati; Commentary on *Nedarim*).

Rava raised an objection – מְתִיב רַבָּא: Although Rabbi Hanina's opinion was already refuted by an explicit *baraita*, the Gemara continues to raise difficulties with his opinion. This has precedent in the Gemara, although the Gemara occasionally asks why difficulties are being raised once an opinion has been refuted. One justification for recounting all the difficulties is that it is possible that in the future the conclusive refutation will be discredited and further arguments will be needed (Ran).

I do not know that this is considered a vow – אֵינִי יוֹדֵעַ שְׁוָה – נְדָר: The Commentary on *Nedarim* explains that the father or husband was unaware that his daughter's or wife's statement is considered a vow. It appears that his interpretation is similar to that of the Rosh, who says that he did not know that she associated her vow with an item capable of being rendered forbidden by means of a vow, and therefore he thought her vow was invalid. Others maintain that he did not know that this was

one of the vows that he has authority to nullify, not realizing that it is considered a vow of affliction or one impinging on their personal relationship (Ran).

But why, let it be like that of one who is silent, etc. – וְאִמְאִי: According to the Meiri, this objection is based on Rabbi Meir's statement, which indicates that if he did not nullify the vow on the day he heard it, he may not do so afterward, even though he was under the impression that he could not nullify the vow. Other commentaries explain that this objection fits the opinion of the Rabbis as well, as they disagree not about the status of silence but about how to define: The day of hearing the vow (Rosh; Ran).

מתני' ואלו נדרים שהיא מפר – דברים שיש בהן ענוי נפש: "אם ארחץ" ו"אם לא ארחץ", "אם אתקשט" ו"אם לא אתקשט".

MISHNA And these are the vows^N that he, the husband or father, can nullify:^{HB} The first category consists of matters that involve affliction for the woman who took the vow. For example, if a woman vowed: **If I bathe, or: If I do not bathe**; if she vowed: **If I adorn myself [etkashet]**,^{NL} or: **If I do not adorn myself.**

NOTES

And these are the vows – ואלו נדרים: Many commentaries (*Tosafot*; Rosh; Ran) maintain that this applies to both a husband and a father. In the Jerusalem Talmud it is explicitly stated that the Bible likens the two men: "Between a husband and his wife, between a father and his daughter" (Numbers 30:17) in order to teach that just as a husband can nullify those vows of his wife that involve affliction or adversely affect the relationship between them, the same applies to a father. See the Meiri for an explanation of which vows are considered to impinge on the personal relationship between a father and daughter. The Rambam, however, maintains that this limitation on the vows that can be nullified applies only to a husband, and that a father can nullify all of his daughter's vows without exception. He asserts that the exposition that equates the *halakhot* of a father and a husband in this regard is an individual opinion, which is not accepted as *halakha*. Rabbi Yitzhak Tzarfaty similarly states

that the mishna is a continuation of the previous chapter, which discussed the nullification of vows by a husband. This question may be related to the textual question of whether the chapter begins: And these are, or: These are.

I adorn myself – אתקשט: Most commentaries maintain that this refers to facial makeup such as eye shadow or rouge, whereas according to all opinions the cosmetic treatment and beautification of those parts of the body that are ordinarily covered fall into the category of matters affecting the relationship between husband and wife (Ritva; Ran; Meiri). Others contend that the adornment mentioned here refers specifically to that of the covered parts of the body (*Tosefot Rabbeinu Peretz*; Rabbi Avraham min HaHar, citing Rashi). The ruling of the Rambam indicates that this *halakha* refers to the adornment of all parts of the body and extends even to the woman's clothes.

HALAKHA

נדרים שהבעל מפר – A husband can nullify those vows of his wife that involve affliction or adversely affect the relationship between them. If the vow does not affect their relationship and it does not cause her suffering, he cannot nullify it (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 12:1; *Shulhan Arukh*, *Yoreh De'a* 234:55).

BACKGROUND

Vows that he can nullify – נדרים שהיא מפר: The Torah (Numbers, chapter 30) authorizes a father to nullify the vows of his daughter before she either attains majority or marries. Similarly, the Torah states that a husband may nullify vows taken by his wife. If a girl is betrothed before she attains majority, her vows may be nullified by her husband and her father acting together. The vow must be nullified on the same day on which the father or husband heard of it.

LANGUAGE

I adorn myself [etkashet] – אתקשט: Although the verb *kashat* is close in meaning and usage to the word *takhshit*, jewelry, and may be related to it linguistically by the interchange of the letters *kaf* and *kuf*, nevertheless, its primary meaning is not to don jewelry or other ornaments, but rather to fix or arrange. Consequently, the word takes on several meanings when used by the Sages, the common denominator between them being that the man or woman fixes himself or herself, either for beauty or comfort. This accounts for the difference in interpretations of the word in this context.

אמר רבי יוסי: אין אלו נדרים ענוי נפש. ואלו הן נדרים ענוי נפש: אמרה "קונם פירות העולם עלי" – הרי זה יכול להפר. "פירות מדינה זו עלי" – יביא לה ממדינה אחרת. "פירות חנווני זה עלי" – אינו יכול להפר, ואם לא היתה פונסתו אלא ממנו – הרי זה יפר, דברי רבי יוסי.

Rabbi Yosei said: These are not vows of affliction. Rather, these are vows of affliction: For example, if she said: **The produce of the entire world is konam for me as if it were an offering,**^H he can nullify the vow, as it certainly involves affliction. If, however, she said: **The produce of this country^N is konam for me,** he cannot nullify the vow, as it does not involve affliction, since he may still bring her produce from another country. Similarly, if she said: **The produce of this storekeeper is konam for me, he cannot nullify her vow,** as he may still bring her produce from another storekeeper. **But if he can obtain his sustenance only from him, that particular storekeeper, he can nullify the vow.** This is the statement of Rabbi Yosei.

גמ' נדרים ענוי נפש הוא דמפר, שאין בהן ענוי נפש אינו מפר? והא תניא: "בין איש לאשתו בין אב לבתו" – מלמד שהבעל מפר נדרים שבינו לבנינה!

GEMARA The Gemara raises a question with regard to the ruling of the mishna: Is it only **vows of affliction that he can nullify**, whereas **vows that do not involve affliction he cannot nullify? But isn't it taught in a baraita:** The verse "These are the statutes that the Lord commanded Moses, between a man and his wife, between a father and his daughter" (Numbers 30:17) teaches that a husband can nullify any of his wife's vows that adversely affect the relationship between him and her,^N even if they do not involve affliction?

HALAKHA

The produce of the world is *konam* for me as if it were an offering – קונם פירות העולם עלי: If a woman took a vow prohibiting herself from deriving benefit from any produce in the entire

world, all agree that this is a vow of affliction that her husband can nullify (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 12:7; *Shulhan Arukh*, *Yoreh De'a* 234:60).

NOTES

פירות מדינה זו – According to the Ran, this does not refer to the produce of the country of their residence, but rather that of another country. Although the vow inconveniences the husband somewhat, as he must avoid the produce of that country, this does not amount to affliction. However, if she vowed that the produce of the country is forbidden to her, and this is where they were living, this certainly would involve no less suffering than it would were they to abstain from the produce of a storekeeper from whom they receive their sustenance.

נדרים שבינו לבנינה – In the narrow sense, these are vows that affect sexual intercourse between a husband and wife. However, the early authorities already noted that this concept is broader, as it includes any matter that would cause a fight or create tension between a couple, even if it does not directly touch upon sexual intercourse (see Rid and Meiri). It is for this reason that some commentaries (Ramban) claim that this category exists with regard to a father and daughter as well. The Rambam holds that this category exists only with regard to a husband and wife.

He can nullify these and those – הָלִין וְהָלִין מִפְּרֵי: A husband can nullify his wife's vows, both those that involve affliction and those that impinge upon the relationship between them. There is, however, a difference between the two categories: Vows of affliction are permanently nullified, whereas with regard to vows that adversely affect their relationship, the husband can nullify them only for himself, i.e., for as long as the nullification is beneficial to him. Such a vow is therefore nullified while she remains married to him, and even after their divorce, provided she has not yet married another, as she can still remarry him. If, however, she marries another man, her vow takes effect even with regard to her first husband (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 12:2–3; *Shulhan Arukh*, *Yoreh De'a* 234:55).

NOTES

He can nullify with respect to himself – לְעַצְמוֹ מִפְּרֵי: According to most early authorities, this nullification is effective not only during their marriage but also after their divorce, unless she marries someone else, in which case their remarriage is no longer possible. As long as he has the option of remarrying her, the vow is considered a matter between husband and wife even after their divorce. One cannot say that the vow should take effect while they are divorced and then be nullified once again after they remarry, as once a vow has taken effect it cannot be nullified once again (*Tosafot*; *Rosh*). However, the Rambam apparently disagrees and maintains that the vow takes effect immediately upon their divorce. See the *Hatam Sofer* for a discussion of this issue.

אָמְרִי: הָלִין וְהָלִין מִפְּרֵי. מִיְהוּ, עֲנִי נִפְשׁ – מִפְּרֵי לְעוֹלָם. אֲבָל אֵין בְּהֵן עֲנִי נִפְשׁ, כְּדָאִיתָהּ תְּחוּמֵיהָ – הוּא הִפְרָה, מִכִּי מְגַרֵשׁ לָהּ – חַיִּיל עָלֶיהָ נִדְרָה, בְּדַבְרִים שְׂבִינּוּ לְבִינָה שְׂאִין בְּהֵן עֲנִי נִפְשׁ. אֲבָל יֵשׁ בְּהֵן עֲנִי נִפְשׁ – לֹא חַיִּיל עָלֶיהָ נִדְרָה.

וּדְבָרִים שְׂאִין בְּהֵן עֲנִי נִפְשׁ, כִּי מְגַרֵשׁ לָהּ חַיִּילָא עָלֶיהָ? וְהָא תַנֵּן, רַבִּי יוֹחָנָן בֶּן נוּרִי אָמַר: יִפְר, שְׂמָא יִגְרִשְׁנָהּ וְתִהְיֶה אֶסְוֶרָה לָהּ. אֲלָמָא, כִּי מְגַרֵשׁ לָהּ וְיִמְפֵר לָהּ מִעִיקָרָא – הוּא הִפְרָה!

אָמְרִי: הָלִין וְהָלִין הוּא הִפְרָה. אֲלָא, נְדָרֵי עֲנִי נִפְשׁ – מִפְּרֵי בֵין לְעַצְמוֹ וּבֵין לְאַחֵרִים, אֵין בְּהֵן עֲנִי נִפְשׁ – לְעַצְמוֹ מִפְּרֵי, לְאַחֵרִים אֵינוּ מִפְּרֵי. וְהִכִּי קִתְּנִי: אֵלוּ נְדָרִים שְׂהוּא מִפְּרֵי בֵין לְעַצְמוֹ וּבֵין לְאַחֵרִים – נְדָרִים שְׂיֵשׁ בְּהֵן עֲנִי נִפְשׁ.

”אִם אֶרְחֵץ”. הִיכִי קָאָמַר? אֵילִימָא דְאָמְרָה ”קוֹנֵם פִּירוֹת עוֹלָם עָלַי אִם אֶרְחֵץ” – לָמָּה לָהּ הִפְרָה? לֹא תִרְחֵץ וְלֹא לִיתְסָרֵן פִּירוֹת עוֹלָם אֵילוּ עָלֶיהָ!

וְעוֹד: בְּהָא לִימָא רַבִּי יוֹסֵי אֵין אֵילוּ נְדָרֵי עֲנִי נִפְשׁ? דְלָמָּא רְחֵצָה וְאִיתְסָרוּ פִירוֹת עוֹלָם עָלֶיהָ!

The Sages say in response: In fact, he can nullify both these and those.¹⁴ There is, however, a difference between them. When he nullifies vows of affliction, he nullifies them forever, i.e., the vows remain nullified even if they subsequently divorce. But when he nullifies vows that do not involve affliction but merely impact upon their relationship, then, while they are married and she is under his authority it is an effective nullification, but when he divorces her, her vow takes effect upon her, i.e., his nullification is no longer effective. As stated, this is referring to vows concerning matters that adversely affect the relationship between him and her, that do not involve affliction. However, if he nullifies a vow that affects their relationship and also involves affliction, her vow does not take effect upon her even after she leaves her husband's authority.

The Gemara asks: And as for vows concerning matters that do not involve affliction, when a man divorces his wife, do they really take effect upon her? But didn't we learn in a mishna with regard to a woman who prohibited her handiwork to her husband by way of a vow (85a) that Rabbi Yohanan ben Nuri says: Even though the vow is presently invalid, as a woman cannot render forbidden to her husband that to which he is already entitled, he should nevertheless nullify the vow? This is because perhaps he will one day divorce her, at which point the vow will take effect and she will then be forbidden to him, since he will be unable to remarry her lest he come to benefit from her handiwork. Apparently, however, if he divorces her after having nullified her vow from the outset, before their divorce, it is a permanent nullification, and although the vow does not involve affliction it remains nullified after their divorce.

Consequently, the Sages say a different answer: With regard to both these and those, vows of affliction and vows adversely affecting the relationship between them, when the husband nullifies the vow, it is a permanent nullification. Rather, the difference between them is as follows: Vows of affliction he can fully nullify, both with respect to himself and with respect to others, i.e., the vow remains nullified even if he divorces her and she marries another man. Whereas vows that do not involve affliction but still adversely affect the relationship between him and her he can permanently nullify with respect to himself,¹⁵ but he cannot nullify with respect to others; if she marries another man, the vow takes effect. And according to this explanation, this is what the mishna is teaching: These are the vows that he can nullify both for himself and for others: Vows that involve affliction.

S The mishna teaches that, according to the first *tanna*, a woman's vow: If I bathe, falls into the category of vows of affliction, whereas Rabbi Yosei disagrees and says that this is not a vow of affliction. The Gemara asks: As the phrase: If I bathe, is not the main substance of the vow, but rather the woman wishes to prohibit herself from deriving a certain benefit depending on whether or not she bathes, with regard to what case is the mishna speaking? If we say that she said: The produce of the world is *konam* for me if I bathe, why, according to the first *tanna*, does she need nullification at all to prevent her affliction? Let her not bathe and this produce of the world will not be forbidden to her.

And furthermore, this explanation is problematic for a different reason: With regard to a vow of this type, would Rabbi Yosei say¹⁶ that these are not vows of affliction? There is certainly room for concern that perhaps she will bathe and the produce of the world will be forbidden to her, a situation that certainly entails deprivation.

NOTES

14. בְּהָא לִימָא רַבִּי יוֹסֵי – With regard to this would Rabbi Yosei say – The early authorities are puzzled by the Gemara's logic here, as the difficulty raised against Rabbi Yosei's opinion appears to be the reverse of the question posed to the first *tanna*. The question against the first *tanna* assumes that there is no concern that the wife might violate the condition, whereas when questioning Rabbi Yosei this concern does exist.

15. One answer is that Rabbi Yosei's statement is in absolute terms, that this is not a vow involving affliction. This indicates that he disagrees about the entire vow, as he maintains that even if there is a concern that she might violate the condition, the vow would still not be one of affliction. Were Rabbi Yosei to hold that the husband cannot nullify the vow due to the fact that the wife need not violate the condition, he should have

said so in clearer terms (*Tosafot*; *Rashba*; see *Ran*). For a different explanation of the difficulty raised against Rabbi Yosei's opinion, see *Tosafot*, citing *Rabbeinu Meir*: The wife cannot refrain from bathing, as the stipulation with regard to bathing itself involves suffering, since if she fails to bathe she will be considered disfigured.