

וְאֵלָּא דְאָמְרָהּ קוֹנָם הַנֶּאֱמָר רְחִיצָה עָלַי לְעוֹלָם אִם אֶרְחֵץ. מִשּׁוֹם הֵכִי מִיִּפְרָ לָהּ, דְּהֵיכִי תַעֲבִיד? תִּרְחֵץ – מִתְּסָרָא הַנֶּאֱמָר רְחִיצָה עָלֶיהָ, לֹא תִרְחֵץ – אֵיתָ לָהּ מְיוּלָא. וְרַבֵּי יוֹסֵי סָבַר: אֶפְשָׁר דְּלֹא רְחִיצָה, וְלִמְיוּלָא לֹא חֵיִישִׁינָא.

אֵי הֵכִי לִיתֵינָא הֵכִי: רַבֵּי יוֹסֵי אָמַר: תִּנְאִי זֶה אֵין בּוֹ עֲנּוּי נִפְשָׁא!

וְאֵלָּא דְאָמְרָהּ הַנֶּאֱמָר רְחִיצָה עָלַי לְעוֹלָם אִם אֶרְחֵץ הַיּוֹם. וְרַבֵּי יוֹסֵי סָבַר: מְיוּלָא דְחַד יוֹמָא – לֹא שְׂמִיחָה מְיוּלָא.

But rather, explain that she said: The benefit of bathing is *konam* for me<sup>N</sup> forever if I bathe. And it is due to that reason that he may nullify her vow, as what can she do if there is no nullification? If she bathes, the benefit of bathing is thereby forbidden to her. And if she does not bathe, she will suffer temporary disfigurement [*nivvula*].<sup>L</sup> And Rabbi Yosei, who maintains that this is not a vow of affliction, maintains that it is possible for her not to bathe, as we are not concerned about her disfigurement.

The Gemara raises a difficulty: If so, let the mishna teach like this:<sup>N</sup> Rabbi Yosei says that this condition does not involve affliction, as the content of the vow itself is irrelevant, since she can fulfill the condition.

The Gemara offers another explanation: Rather, explain that she said: The benefit of bathing is *konam* for me forever if I bathe today.<sup>NH</sup> And Rabbi Yosei maintains that nothing will happen if she refrains from bathing today, as the disfigurement resulting from not bathing for one day<sup>N</sup> is not called disfigurement.

#### NOTES

**That she said: The benefit of bathing is *konam* for me** – דְאָמְרָהּ קוֹנָם הַנֶּאֱמָר רְחִיצָה עָלַי: The early authorities point out that the basic assumptions of the Gemara change over the course of this discussion. Although at first it was thought that refraining from bathing itself does not constitute suffering, at this point the Gemara assumes that all agree that it does involve suffering. The Gemara concludes that this issue is a matter of dispute between the first *tanna* and Rabbi Yosei (see Rashba and Ran).

**If so let the mishna teach like this – אֵי הֵכִי לִיתֵינָא הֵכִי:** This statement is far from straightforward, and various interpretations have been suggested. One opinion is that Rabbi Yosei's statement that these are not vows of affliction indicates that the categorization of the vow depends on the vow itself, and the husband can simply nullify it if the vow itself involves suffering. But according to the assumption that the husband cannot nullify the vow unless the condition involves suffering, as in the aforementioned question: Let her not bathe and the fruit of the world will not be forbidden to her, the key factor is not the vow itself, but whether or not the condition entails suffering (Rabbeinu Yona, cited in Rashba; Ran).

Some explain, based on the assumption that the dispute concerns bathing in general, that according to Rabbi Yosei it is so that neither the condition nor the vow entails suffering, and the Gemara's question is that he should therefore have said: These do not involve affliction (Rabbi Eliezer of Metz). Rabbi Yitzhak Tzarfati, cited in the *Shita Mekubbetzet*, presents a different version of the text: And is Rabbi Yosei not concerned about her disfigurement? But didn't we learn: With regard to poor women, if he did not state a fixed period, the husband must grant his wife a divorce and pay her marriage contract? The reference is to a mishna in tractate *Ketubot* (70a) that teaches that if a husband permanently prohibited his wife from adorning herself, everyone agrees that this involves affliction.

**If I bathe today – אִם אֶרְחֵץ הַיּוֹם:** Why does the Gemara not ask as before: If so, let the mishna teach that this condition does not involve affliction? The Commentary on *Nedarim* explains that the Gemara understands Rabbi Yosei to be saying the

following: These are not necessarily vows of affliction, as she can wait a day before bathing, thereby preventing the vow, which would involve affliction, from taking effect. According to this interpretation, he is referring to the vow rather than the condition. Rabbeinu Yona, cited by the Ran, maintains that the difficulty does not arise because, as explained later, although Rabbi Yosei claims that such a vow does not involve suffering, he concedes that it is considered a matter adversely affecting the relationship between husband and wife. By contrast, in this case he maintains that the husband cannot nullify the vow in any manner, not even because of its effect on their relationship.

**Disfigurement from one day – מְיוּלָא דְחַד יוֹמָא:** This indicates that Rabbi Yosei agrees that refraining from bathing for an extended period of time does involve affliction, as he disagrees only with regard to a woman who refrains from bathing for one day. *Tosafot*, however, contend that Rabbi Yosei is of the opinion that not bathing does not constitute suffering at all, and they offer various interpretations of this Gemara. In tractate *Ketubot* (71a), *Tosafot* suggest that this passage should be completely omitted. Alternatively, Rabbi Eliezer of Metz maintains that the Gemara here is referring to a condition in effect for one day, although Rabbi Yosei's opinion is that refraining from bathing does not involve suffering at all, as stated in the mishna. The Ran combines this interpretation with Rabbeinu Yona's opinion (see previous note) and explains that refraining from bathing for one day does not amount even to a matter between him and her, whereas the prohibition against bathing forever does impinge on their marital relationship, although it is not considered suffering.

A different opinion is suggested by the Rid. He asserts that even Rabbi Yosei agrees that the woman's refraining from bathing for an extended period of time certainly constitutes suffering. He has an alternative version of the text, which reads: The benefit of bathing is forbidden to me for one day if I bathe today. Therefore the Rabbis maintain that she suffers even if she is unable to bathe for one day, while Rabbi Yosei claims that not bathing for one day is not classified as suffering.

#### LANGUAGE

**Disfigurement [*nivvula*] – מְיוּלָא:** The root *nun, vav, lamed*, from which are derived words such as *nivvul*, disfigurement or ugliness, and *menuval*, despicable one, is closely related to the root *nun, beit, lamed*, meaning base, from which are derived words such as *neveila*, an unslaughtered animal carcass. The roots are sometimes interchanged. The core meaning of these roots is dirty or despised, in either a physical or a spiritual sense.

#### HALAKHA

**If I bathe today – אִם אֶרְחֵץ הַיּוֹם:** A vow can fall into the category of vows of affliction, even if it will be in force for only a short period of time. For example, if a woman vowed not to bathe for a day, this is a vow of affliction, and consequently her husband can nullify the vow. The *halakha* follows the opinion of the Rabbis, as the Gemara indicates that disfigurement is of concern even if it will last for only one day (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 12:5; *Shulhan Arukh*, *Yoreh De'a* 234:59).

BACKGROUND

**Water in which flax was soaked** – **מי משרה**: Stalks of flax plants are soaked in water as part of the process by which they are made into linen threads. After being crushed, the stalks are placed in vats or pools of water where they are left to soak for an extended time until the outer peel begins to rot and the production of the threads can begin. Flax growing was extensive in Eretz Yisrael during the time of the Mishna, and most families processed it for domestic use. Therefore, the water used for soaking flax is given as an example of foul-smelling water that would have been found in many homes.

**Naphtha** – **נפט**: Naphtha served various purposes in the talmudic era. It was used as fuel for heating, for medicinal purposes, and for warfare in a weapon known as Greek fire. Unrefined crude oil, especially the Persian oil used by the Babylonian Sages, emits a foul odor, which is why it is referred to here as filth.



Greek fire grenades

LANGUAGE

**Naphtha** [*neft*] – **נפט**: Apparently from the Persian *naft*, via the Greek *νάφθα*, *nafta*, or *νάφθα*, *naftas*, meaning mineral oil; and some hold that these transliterations should be reversed. Some believe that this word has a Semitic root.

שמית "אם ארחץ". "אם לא ארחץ" היכי דמי? אלימא דאמרה "תיתסר הנאות רחיצה לעולם עלי אם לא ארחץ היום" – למה לה הפרה? תתסחי! אמר רב יהודה: דאמרה "הנאות רחיצה עלי לעולם אם לא ארחץ במי משרה".

דכוותיה דקתני "אם לא אתקשט" – אם לא אתקשט בנפט. לכוון הוא!

אמר (רב יהודה): דאמרה "הנאות רחיצה לעולם עלי אם ארחץ היום. ושבועה שלא ארחץ", הנאות קישוט עלי לעולם אם אתקשט היום. ושבועה שלא אתקשט".

אמר ליה רבינא לרב אשי: האי אלו נדרים ושבועות מיבעי ליה למיתני! אמר ליה: תני "אלו נדרים ושבועות". ואיבעית אימא: שבועות נמי היינו נדרים. דתני: "בגדרי ורשעים" – נדר בגדיר ובקרבן ושבועה.

The Gemara asks: You have adequately answered the expression: If I bathe, but as for the vow: If I do not bathe, what are the circumstances? If we say that she said: The benefit of bathing shall be forbidden to me forever if I do not bathe today, why does she need nullification at all? Let her bathe today and nothing will be forbidden. Rav Yehuda said: The mishna is referring to a case where she said: The benefit of bathing is forbidden to me forever if I do not bathe in foul water in which flax was soaked.<sup>BN</sup> The husband can nullify this vow, as it will make her repulsive, which is a form of disfigurement.

The Gemara raises an objection: In that case, you must similarly explain that which the *tanna* teaches: If I do not adorn myself, to mean: The benefit of adorning myself is forbidden to me forever if I do not do something repulsive, e.g., if I do not adorn myself with naphtha [*neft*].<sup>BL</sup> But this cannot be, as such a substance is filthy and the term adornment cannot be applied to it at all.

Rather, Rav Yehuda said that the mishna is referring to a case where she said: The benefit of bathing is forbidden to me forever if I bathe today,<sup>H</sup> and I take an oath that I will not bathe<sup>N</sup> today. Through a combination of her vow and her oath she has rendered it prohibited for her to bathe forever. The situation is similar if she said: The benefit of adornment is forbidden to me forever if I adorn myself today, and I take an oath that I will not adorn myself today.

Ravina said to Rav Ashi: According to this explanation, this *tanna* of the mishna should have taught: These are the vows and oaths that he can nullify. Rav Ashi said to him: Teach so in the mishna: These are the vows and oaths. And if you wish, say instead that oaths are also included in the category of vows. As we learned in a mishna (9a): If one said: Like the vows of the wicked, he has vowed with respect to becoming a nazirite, and with regard to bringing an offering, and with regard to taking an oath. This shows that an oath can also be called a vow.

NOTES

**If I do not bathe in water in which flax was soaked** – **לא**: Even though this will certainly disfigure her for the day, the Commentary on *Nedarim* explains that Rabbi Yosei is consistent in his opinion that a single day's disfigurement is not considered affliction. Rabbi Avraham min HaHar understands that Rabbi Yosei's ruling is in keeping with his opinion that refraining from bathing is not at all considered affliction.

**And an oath that I will not bathe** – **ושבועה שלא ארחץ**: According to the Commentary on *Nedarim*, this is all one statement.

She made her future benefit from bathing dependent on bathing that day and also prohibited herself from bathing that day by force of an oath. The combination of her vow and oath means that in practice she is permanently prohibited from benefiting from bathing. However, other authorities (see Rambam's Commentary on the Mishna and Ran) imply that the case is that of two separate *halakhot*, that of a woman who linked her permanent benefit from bathing to her bathing on that day, and one who took an oath that she would never bathe (see *Keren Ora*).

HALAKHA

**The benefit of bathing is forbidden to me forever if I bathe today** – **הנאות רחיצה לעולם עלי אם ארחץ היום**: If a woman takes a vow not to bathe, adorn herself, paint her eyes, or rouge her cheeks, these are all considered vows of affliction. For example, if she vows that bathing or adorning herself is forbidden to her, or if she says that the benefit of bathing or adorning herself will be forbidden to her if she bathes or adorns herself, then even if she limits the prohibition on her bathing or adorning herself to that one day, this is a vow of self-affliction, in accordance with

the opinion of the Rabbis. The Rambam rules (see *Bah*, *Shakh*, and *Gra*) that vows rendering bathing and adorning forbidden are vows that adversely affect the relationship between husband and wife, as the Gemara will explain below (81b) that this is the opinion of Rabbi Yosei, as the unattributed *mishnayot* of this chapter are in accordance with his opinion; see 82a (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 12:4–5; *Shulhan Arukh*, *Yoreh De'a* 234:59).

One is punished with *karet* only when one eats, etc. – אין ענוש כרת אלא באוכל וכו' – Five activities are forbidden on Yom Kippur due to the commandment to afflict oneself: Eating and drinking, washing, anointing, engaging in sexual relations, and wearing leather shoes. However, one is liable to receive *karet* or, if he sinned inadvertently, to bring an offering, only if he ate or drank. If he engaged in one of the other activities, he merely receives the lashes for rebelliousness that were introduced by the Sages (Rambam *Sefer Zemanim, Hilkhhot Shevitat Asor* 1:5).

NOTES

That leads to affliction – דאָטאַליאָ ליה לידי ענוי – As explained by the Commentary on *Nedarim*, the term in the phrase in the verse “to afflict” refers to the result of the binding oath, i.e., the oath will lead to suffering.

Their laundry takes precedence over the lives of others – כְּבִיסַתְּן קוֹדֶמֶת לְחַיֵּי אַחֵרִים – Rabbi Yosei maintains that one who does not wash his clothes poses a danger to others. Since laundering one’s clothes is necessary for the health of the city’s residents, their needs take precedence, in accordance with the earlier ruling of the *baraita* that if it is an issue of their own lives and the lives of others, their own lives take precedence (Ran).

ואמרו רבנן: רחיצה אית בה ענוי נפש כי לא רחיצה? ורמינהי: אף על פי שאסור בכולן – אין ענוש כרת אלא באוכל ושותה ועושה מלאכה בלבד. ואי אמרת כי לא רחיצה איכא ענוי, ביום הכיפורים כי רחץ ליחייב כרת!

The Gemara asks: **And do the Rabbis, i.e., the first *tanna*, mean to say with regard to bathing that when she does not bathe it involves affliction?** The Gemara raises a contradiction from a *baraita* that states: **Although one is prohibited from performing any of the five activities associated with affliction on Yom Kippur, i.e., eating or drinking, bathing, anointing, engaging in sexual intercourse, and wearing leather shoes, one is punished with *karet* only when one eats<sup>h</sup> or drinks or performs prohibited labor alone.<sup>h</sup> And if you say that when a woman does not bathe there is affliction,** and for this reason a husband may nullify such a vow taken by his wife, then **if one bathes on Yom Kippur, he should be liable to receive *karet*,** in accordance with the verse “For whatever person shall not be afflicted on that same day, he shall be cut off [*venikhreta*] from his people” (Leviticus 23:29), as he has failed to observe this form of affliction.

אמר רבא: מענינא דקרא, גבי יום הכיפורים דכתיב “תענו את נפשותיכם” – מילתא דידע עינויא השתא, רחיצה לא ידע עינויא השתא. גבי נדרים דכתיב “כל נדר וכל שבועת אסור לענות נפש” – מילתא דאיתא ליה לידי ענוי, וכי לא רחיצה – איתא לידי ענוי.

Rava said: The meaning of the affliction in each case may be learned from the context of the verse. With regard to Yom Kippur, where it is written: “On the tenth of the month you shall afflict your souls” (Leviticus 16:29), the reference is to a matter for which one knows and feels the affliction right now, on Yom Kippur itself, i.e., abstention from food and drink, which is felt within a short period of time. One who abstains from bathing, however, does not know and feel the affliction now, but only later. By contrast, with regard to vows, where it is written: “Every vow and every binding oath to afflict the soul, her husband may uphold it, or her husband may nullify it” (Numbers 30:14), the reference is to a matter that leads to affliction,<sup>n</sup> and if she does not bathe for an extended period of time, it eventually leads to affliction.

ורמי דרבי יוסי אדרבי יוסי: מענין של בני העיר, חייקו וחיי אחרים – חייקו קודמין לחיי אחרים. בהמתם [ובהמת אחרים – בהמתם] קודמת לבהמת אחרים. כביסתן וכביסת אחרים – כביסתן קודמת לכביסת אחרים. חיי אחרים וכביסתן – חיי אחרים קודמין לכביסתן.

The Gemara raises a contradiction between this statement of Rabbi Yosei and another statement of Rabbi Yosei. It was taught in a *baraita*: In the case of a spring belonging to the residents of a city, if the water was needed for their own lives, i.e., the city’s residents required the spring for drinking water, and it was also needed for the lives of others, their own lives take precedence over the lives of others. Likewise, if the water was needed for their own animals and also for the animals of others, their own animals take precedence over the animals of others. And if the water was needed for their own laundry and also for the laundry of others, their own laundry takes precedence over the laundry of others. However, if the spring water was needed for the lives of others and their own laundry, the lives of others take precedence over their own laundry.

רבי יוסי אומר: כביסתן קודמת לחיי אחרים. השתא כביסה אמר רבי יוסי יש בה צער,

Rabbi Yosei disagrees and says: Even their own laundry takes precedence over the lives of others,<sup>n</sup> as the wearing of unlaundered clothes can eventually cause suffering and pose a danger. The Gemara clarifies the difficulty presented by this *baraita*: Now, if with regard to laundry, Rabbi Yosei said that refraining from laundering one’s clothes involves pain and affliction,

BACKGROUND

The punishment of *karet* associated with the afflictions of Yom Kippur – לענוי יום הכיפורים כרת: The Torah describes the unique service carried out in the Temple on the tenth of Tishrei and establishes it as a day of fasting and atonement (Leviticus, chapter 16). Specifically, the Torah declares it a day of affliction, which is defined by the Sages as a prohibition against eating and drinking, wearing leather shoes, washing, anointing oneself with oil, and engaging in sexual relations. While eating or drinking is

punished with *karet*, the violation of the other four prohibitions does not carry that punishment. According to *Tosafot*, only eating and drinking are prohibited by Torah law; the other prohibitions are by rabbinic law. The Ran suggests that all of the prohibitions have their source in the verse that declares Yom Kippur to be a *shabbaton* (Leviticus 16:31). Nevertheless, the definition of that term is left to the Sages, who are given wide latitude to determine when and how it is applied.