

בַּעַל מִינְיָה רַבָּא מַרְבַּ נְחֻמֵּן: תְּשֻׁמִּישׁ
הַמְטָה, לְרַבְנָן, עֵינָיו נִפְשׁ הוּא אֹ
דְבָרִים שְׂבִינֵי לְבִינָה? אָמַר לֵיהּ,
תְּנִיתוּהָ: וְ"נְטוּלָה אֲנִי מִן הַיְהוּדִים",

Rava raised a dilemma before Rav Nahman: If a woman took a vow that sexual intercourse with her husband is forbidden to her, then, according to the Rabbis, is it a vow of affliction or does it fall within the category of matters that adversely affect the relationship between him and her? Rav Nahman said to him: You learned the answer to this question in a mishna (90b): And if a woman said: I am removed from the Jews, i.e., the benefit of my engaging in intercourse is forbidden to all Jews,

Perek XI
Daf 82 Amud a

HALAKHA

They are matters that adversely affect the relationship between him and her – דְּבָרִים שְׂבִינֵי לְבִינָה הֵינּוּ: If a woman vows to forbid to her husband the benefit of her intercourse or takes another, similar vow that would cause enmity between a couple, this is a vow that adversely affects the marriage relationship. The husband can nullify such vows only for himself, as Rava's dilemma is left unresolved by the Gemara, and the *halakha* is to be stringent with regard to uncertainty in cases involving Torah law (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 12:1; *Shulhan Arukh*, *Yoreh De'a* 234:66).

The produce of this country is *konam* for me – פִּירוֹת מְדִינָה – זוּ עָלִי: If a woman vows that the produce of the world is forbidden to her, or if she vows that the produce of a single country or a single person is forbidden to her, even if the person she specifies is not a storekeeper, then this is a vow of affliction. The Rambam, however, rules in accordance with Rabbi Yosei, that this is a vow that adversely affects the marriage relationship, which the husband can nullify only for himself (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 12:7; *Shulhan Arukh*, *Yoreh De'a* 234:60).

NOTES

You have the dilemma – תְּבַעֵי לָךְ: This phrase usually means: Pose a dilemma for you, and it generally introduces a question. In this context it bears a slightly different meaning, as the early commentaries note (7a) that in tractate *Nedarim* it means: No answer has been found to the dilemma, similar to: The dilemma shall stand unresolved. It is therefore a usage unique to this tractate.

Our entire chapter – בּוֹלִיָּה פִּירְקִין: In other words, even the unattributed *mishnayot* in this chapter all follow Rabbi Yosei's opinion, although his name is not mentioned (Commentary on *Nedarim*).

Who said: That you bring – דְּקָאמְרָה שְׂתַבִּיא: The *Shita Mekubbetzet* explains that the novelty of this statement is that even though one might have thought that her specifying: That you bring, is a sign that she does not want him or what he brings, it is not considered a vow that adversely affects the relationship between them.

The early authorities ask: If this is the correct explanation of the mishna, why does it state: He can bring her fruit from a different country? She can simply receive her fruit from others. The Ran answers that the mishna mentioned only solutions that involve the husband himself, but if he cannot resolve the issue himself in any manner, he can nullify the vow even if she has recourse to others. The Rashba similarly states that if the mishna were to say: Others can bring for her, it would give the impression that the *halakha* is the same as that of a wife who vowed not to derive benefit from her husband, as most of the fruit he would bring is from that country. The mishna therefore teaches that it is possible for even the husband to provide her with benefit (see *Tosafot*).

The Meiri summarizes this opinion by stating that any vow of hers prohibiting benefit from another person is considered a vow of affliction unless she has some way to circumvent it both through others and also through her husband, even if this can be done only in a very specific manner.

יִפְר חֶלְקוֹ, וּמְשֻׁמְשֹׁתוֹ, וְתֵהָא נְטוּלָה
מִן הַיְהוּדִים. וְאִי אָמַרְתָּ נָדָר עֲנוּי
נִפְשׁ הוּא – אֲמַאי תֵּהָא נְטוּלָה מִן
הַיְהוּדִים? שְׂמַע מִינָהּ: דְּבָרִים שְׂבִינֵי
לְבִינָה הֵינּוּ.

her husband must nullify his part, i.e., the part of the vow that affects him, so that she will be permitted to him, and she may engage in intercourse with him, but she is removed from all other Jews, so that if he divorces her, she is forbidden to everyone. And if you say that this is a vow of affliction, why should she be removed from all other Jews? Wasn't it already established that when a husband nullifies a vow of affliction for his wife, he nullifies it not only with respect to himself but with respect to others as well? Rather, learn from here that such vows are under the category of matters that adversely affect the relationship between him and her,^h and therefore he can nullify it only with respect to himself.

The Gemara notes: According to the Rabbis, you still have the dilemma,ⁿ because the mishna dealing with a woman who says: I am removed from the Jews, was taught by Rabbi Yosei. As Rav Huna said: Our entire chapterⁿ is in accordance with the opinion of Rabbi Yosei. From where do we know this? Since the mishna teaches: Rabbi Yosei says that these are not vows of affliction, why does it need to teach further, at the end of the mishna: He can nullify the vow; this is the statement of Rabbi Yosei? Learn from this that from this point forward, the rest of the mishna is in accordance with the opinion of Rabbi Yosei. Accordingly, this mishna teaches us only the opinion of Rabbi Yosei, not that of the Rabbis.

לְרַבְנָן תְּבַעֵי לָךְ, מִשּׁוּם דְּ"נְטוּלָה אֲנִי
מִן הַיְהוּדִים" רַבִּי יוֹסֵי קָתַנְי לֵיהּ, דְּאָמַר
רַב הוּנָא: בּוֹלִיָּה פִּירְקִין רַבִּי יוֹסֵי הִיא.
מִמַּאי – בֵּינָן דְּקָתַנְי: רַבִּי יוֹסֵי אָמַר
אִין אֵלּוּ נְדָרֵי עֵינָיו נִפְשׁ, לְמַד לֵיהּ
תּוֹ לְמִיתְנָא: הֲרֵי זֶה יִפְר דְּבָרֵי רַבִּי
יוֹסֵי? שְׂמַע מִינָהּ: מִכָּאן וְאֵילָךְ רַבִּי
יוֹסֵי הִיא.

Shmuel said in the name of Levi: A husband can nullify all vows of affliction for his wife, except for the vow: Benefit from me is *konam* for so-and-so, which he cannot nullify, as it is entirely between her and another person. But if she says: Benefit derived from so-and-so is *konam* for me, he can nullify the vow, as it is considered a vow of affliction, since she might one day need that person and be unable to avail herself of his services due to her vow.

אָמַר שְׁמוּאֵל מִשְׁמֵי לֵוִי: כָּל נְדָרִים
בְּעַל מִפְּר לְאִשְׁתּוֹ, חוּץ מִן "הִנְאָתִי עַל
פְּלוּנִי" שְׂאִינוּ מִפְּר. אָבַל "הִנְאָת פְּלוּנִי
עָלַי" – מִפְּר.

The Gemara raises an objection from that which we learned in the mishna: If she said: The produce of this country is *konam* for me,^h he cannot nullify the vow, as it does not involve affliction, since he can still bring her produce from another country. This vow is similar to a vow by which she prohibits herself from deriving benefit from another person. Why, then, does Shmuel say that the husband cannot nullify it? Rav Yosef said: The mishna is referring to a woman who said in her vow: That you bring.ⁿ In other words, she did not prohibit herself from deriving benefit from the produce of that country entirely, but only from the produce that her husband himself would bring her. She may still enjoy that produce if it is brought to her by someone else or if she brings it for herself.

תָּנַן: "פִּירוֹת מְדִינָה זוּ עָלַי" – יִבִּיא
לָהּ מִמְּדִינָה אַחֲרָת. אָמַר רַב יוֹסֵי:
דְּקָאמְרָה "שְׂתַבִּיא".

The Gemara raises another objection from the next clause of the mishna: Come and hear: If the woman took a vow saying: The produce of this storekeeper is *konam* for me, her husband cannot nullify the vow. But didn't Shmuel say that if a woman prohibits herself from benefiting from a certain person, her husband can nullify the vow? The Gemara answers: Here too, the mishna is referring to a case where she said in her vow: The produce that you bring from this storekeeper is *konam* for me.

תָּא שְׂמַע: "פִּירוֹת חֲנוּנִי זֶה עָלַי" –
אִין יָכוֹל לְהַפֵּר. הֲכָא נִמִּי דְּקָא אָמְרָה
"שְׂתַבִּיא אֲתָה".

לא היתה פרנסתו אלא ממנו –
הרי זה יפר. ואי אמרת דקא אמרה
”שבתביא אתה” – אמאי יפר? אלא
מדסיפא דלא מיייתי בעל הוי,
רישא – דקא מיייתא היא.

The Gemara questions this resolution: But the continuation of the mishna states: But if the husband can obtain **his sustenance only from him**, i.e., that particular storekeeper, **he can nullify** his wife’s vow. **And if you say** that this is referring to a case where the woman **said** in her vow: The fruit **that you bring** from this storekeeper is *konam* for me, **why can the husband nullify** her vow? Other people can bring her the fruit on his behalf. **Rather, from the fact that the latter clause** of the mishna must be dealing with a case where the woman renders all fruit forbidden to herself, even that which **the husband does not bring her, the first clause** must also refer to a case where the woman renders forbidden even the fruit **that she herself brings**, and nevertheless the husband cannot nullify the vow. Therefore, the objection raised against Shmuel remains.

אלא. רישא אין יכול להפר, ודקא
מיייתא היא.

Rather, the Gemara retracts its previous answer and explains the matter as follows: In the **first clause** the husband **cannot nullify** his wife’s vow, **and** the case is one where she renders forbidden even the fruit **that she herself brings**.

Perek **XI**
Daf **82** Amud **b**

ומתניתין רבי יוסי היא. דאמר רב
הונא: כוליה פרקין רבי יוסי היא.
ומאי אין יכול להפר – משום עינוי
נפש, אבל מפר נדרים שבינו לבינה.

And the mishna is in accordance with the opinion of **Rabbi Yosei**, who is more restrictive in his definition of affliction. **As Rav Huna said:**^N **Our entire chapter is** in accordance with the opinion of **Rabbi Yosei**. Shmuel, on the other hand, rules in accordance with the opinion of the Rabbis. **And what does Rabbi Yosei mean** when he says that the husband **cannot nullify**^N his wife’s vows? He means that he cannot nullify them as vows of **affliction, but he can nullify** them as **vows that adversely affect the relationship between him and her**.

NOTES

As Rav Huna said – דאמר רב הונא: The early authorities are puzzled by the Gemara’s citation of Rav Huna’s statement in this context, as the mishna explicitly ascribes this ruling to Rabbi Yosei. The answer given is that it is unnecessary in this case, but the Gemara wanted to preempt a potential difficulty from the next mishna, which deals with a woman who vowed that it is prohibited for her to derive benefit from people. That mishna appears to present an even greater problem for Shmuel, as it rules that even if she prohibited herself from receiving benefit from everyone, her husband cannot nullify her vow. The Gemara therefore stresses here that the entire chapter is in accordance with Rabbi Yosei, including the subsequent mishna (*Tosafot*; Rosh; Ran). There are other versions of the text that omit this sentence entirely.

And what does Rabbi Yosei mean that the husband cannot nullify – ומאי אין יכול להפר – This extra clarification appears superfluous, as the Gemara has already said that no difficulty can be raised against Shmuel’s opinion from the mishna. This is because it represents the opinion of Rabbi Yosei, while Shmuel rules in accordance with the opinion of the Rabbis. The Ran maintains that this addition was nevertheless required, as, if Rabbi Yosei says that he cannot nullify the vow at all, not even as a vow that adversely affects the relationship between him and her, it is hard to imagine that the Rabbis would disagree

with him to such an extent that they think it constitutes a vow of affliction. But once it is conceded that Rabbi Yosei agrees that the vow can in fact be nullified, it is possible that the Rabbis allow the husband to nullify it as a vow of affliction.

Tosafot claim that the words: What does Rabbi Yosei mean that the husband cannot nullify, is not a continuation of the previous disagreement but a new answer, according to which the mishna’s statement that he cannot nullify refers only to affliction, but it can be nullified as a vow that adversely affects the relationship between him and her, even according to the opinion of the Rabbis.

Other early authorities, however, quote Rabbeinu Yona, who rejects this opinion. He contends that this answer explains only why the husband can nullify his wife’s vow when she prohibits herself from benefiting from the storekeeper’s fruit, i.e., since this prevents the husband from buying from the storekeeper, it is considered a vow that adversely affects the relationship between him and her. However, if she merely prohibits herself from receiving benefit from a third party, the husband can receive fruit from the third party and give the fruit to her, and consequently her vow does not impinge upon their relationship. Therefore, this answer does not help clarify the opinion of Shmuel, who maintains that the husband can nullify his wife’s vow in that case as well.

The husband can nullify the vow with regard to the loaf that would cause her to deprive herself – **מִפֶּר לְמַתְעֵנָה** – A woman vowed not to eat from two loaves, and abstention from one involves deprivation, whereas abstention from the other does not involve deprivation. Her husband subsequently nullified the vow with regard to both loaves. In such a case, his nullification is effective only with regard to the loaf that involves deprivation were his wife to abstain from eating it, but not with regard to the other loaf (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 12:6; *Shulhan Arukh*, *Yoreh De'a* 234:63).

BACKGROUND

הָאִשָּׁה שֶׁנִּדְרָה – בְּנִיזוּר: A nazirite vow confers upon a person a unique status, as detailed in the Torah (Numbers 6:1–21). Both men and women can take a vow of naziriteship. A nazirite must refrain from eating or drinking anything derived from the vine, and he must in addition avoid becoming ritually impure through contact with a corpse and refrain from cutting his hair. A nazirite who violates any of these prohibitions is liable to receive lashes.

One can vow to be a nazirite for any period of time that he wishes, but the minimum period is thirty days. One who does not specify how long he wishes to be a nazirite assumes nazirite obligations for thirty days. The *halakhot* of the nazirite are discussed in tractate *Nazir*.

אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: נִדְרָה מְשִׁתִּי כְּכֹרֹת, בְּאַחַת מִתְעֵנָה וּבְאַחַת אֵין מִתְעֵנָה, מִתּוֹךְ שֶׁהוּא מִפֶּר לְמַתְעֵנָה – מִפֶּר לְשֵׂאִינוּ מִתְעֵנָה. וְרַב אָסִי אָמַר רַבִּי יוֹחָנָן: מִפֶּר לְמַתְעֵנָה, וְאֵין מִפֶּר לְשֵׂאִין מִתְעֵנָה.

וְאֵיכָא דְאָמְרִי, בְּעָא מִינֵיהּ רַב אָסִי מְרַבִּי יוֹחָנָן: נִדְרָה מְשִׁתִּי כְּכֹרֹת, בְּאַחַת מִתְעֵנָה וּבְאַחַת אֵין מִתְעֵנָה, מִהוּ? אָמַר לֵיהּ: מִפֶּר לְמַתְעֵנָה, וְאֵין מִפֶּר לְשֵׂאִין מִתְעֵנָה.

אֵיתִיבֵיהּ: הָאִשָּׁה שֶׁנִּדְרָה בְּנִיזוּר, וְהִיתָה שׁוֹתָה יַיִן וּמְשַׁמְאָה לְמִתִּים,

S Rav Yehuda said that Shmuel said: In a case where a woman vowed that two loaves are forbidden to her, and if she abstains from one of them she would deprive herself,^N as it is a fine-quality loaf, and if she abstains from the other one she would not deprive herself, as it is a poor-quality loaf, then, since the husband can nullify the vow with regard to the loaf that would cause her to deprive herself,^N like any other vow of affliction, he can also nullify the vow with regard to the loaf that would not cause her to deprive herself. And Rav Asi said that Rabbi Yoḥanan said: The husband can nullify the vow with regard to the loaf that would cause her to deprive herself,^H but he cannot nullify the vow with regard to the loaf that would not cause her to deprive herself.

And some say a different version of this dispute, according to which Rav Asi raised a dilemma before Rabbi Yoḥanan: In a case where a woman vowed not to eat from two loaves of bread, and if she abstains from one of them she would deprive herself, and if she abstains from the other one she would not deprive herself, what is the *halakha*? Rabbi Yoḥanan said to him: The husband can nullify the vow with regard to the loaf that would cause her to deprive herself, but he cannot nullify the vow with regard to the loaf that would not cause her to deprive herself.^N

Rav Asi raised an objection against Rabbi Yoḥanan from the following mishna (*Nazir* 23a): With regard to a woman who vowed to be a nazirite,^B and she transgressed her vow and drank wine or became impure by coming into contact with the dead,

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If she abstains from one of them she would deprive herself – **בְּאַחַת מִתְעֵנָה**: According to most commentaries, this means that one was a fine-quality loaf, so that she would suffer from her inability to eat it, whereas the other was a loaf of inferior quality. Rabbi Avraham min HaHar claims that Rashi explains similarly, and this is also the second interpretation in the Commentary on *Nedarim*. Others, however, claim that she had not eaten anything and vowed not to eat from two similar loaves, meaning that she would suffer only if she did not eat one loaf, but not if she could not eat both loaves. The Rosh cites both explanations.

Since the husband can nullify the vow with regard to the loaf that would cause her to deprive herself – **מִתּוֹךְ שֶׁהוּא מִפֶּר לְמַתְעֵנָה**: The early authorities discuss Shmuel's opinion at length. Why does he maintain that a husband can nullify his wife's vow even though it does not involve deprivation? One explanation is that once the Torah permits a husband to nullify a vow he can nullify all of it, since a vow cannot be partially nullified, as is implied by the words "He shall nullify it" (Numbers 30:14), i.e., all of it. Consequently, since he can nullify that part of the vow that involves deprivation, he can nullify it all.

However, this answer is problematic, as the Gemara also states (90b) that if a woman prohibits herself from receiving benefit from Jews, the husband can nullify only the aspect of the vow which affects him. Why do we not say that in that case the entire vow is nullified, in accordance with the opinion of Shmuel? The answer given is that this *halakha* applies only to vows of affliction, not to those that adversely affect the relationship between him and her (*Tosafot*; Ran).

The Rosh provides a slightly different explanation of Shmuel's opinion, that even though she suffers fully from not eating one loaf, not eating the other one also causes her a measure of affliction, either because she would eat that tasteless loaf if she had nothing else, or because she desires to eat both loaves, despite the fact that one is enough to satisfy her. Therefore, her husband can nullify the vow pertaining to the second loaf as well. Other commentaries similarly explain that since some people enjoy the second loaf, despite its inferior quality, she does suffer to a certain extent. Likewise, Rabbi Avraham min HaHar states that it is possible that her inability to eat the second loaf would cause her suffering, e.g., if the first loaf is not enough

to assuage her hunger, or if she cannot find another fine loaf for her next meal.

The Rosh also maintains that the *halakha* with regard to a woman who vows not to benefit from Jews does not present a difficulty for Shmuel because, since the nullification of a vow adversely affecting the relationship between him and her by its very nature applies only to aspects of the vow that concern their relationship, his nullification takes effect only with regard to the aspect of the vow that affects him. The Gemara rules (87a) that if a woman vows that figs and grapes are forbidden to her and her husband nullifies her vow with respect to figs, she is still prohibited from eating grapes. This *halakha* refers to one who expressly states that he is nullifying the vow only with regard to figs. If, however, he simply says: It is nullified for you, the entire vow is nullified (Rashba).

The Ritva offers a different interpretation. He claims that even if the woman takes two separate vows, each to render a different, specific loaf forbidden, the husband can still nullify the second vow as well, even if his wife would not suffer by abstaining from eating that loaf. Shmuel does not mean that he can nullify the vow that rendered the second loaf forbidden because he can nullify it for the first vow. Rather, he is saying that since the Torah granted a husband the power to nullify vows that cause his wife suffering, he can nullify other types of vows as well. The reason is that even if she herself does not suffer as a result of these vows, they cause affliction to others, and therefore they are vows of affliction in the broader sense. The advantage of this opinion is that the aforementioned difficulties of the other commentaries no longer apply.

But he cannot nullify the vow with regard to the loaf that would not cause her to deprive herself – **וְאֵין מִפֶּר לְשֵׂאִין מִתְעֵנָה**: The principle that a vow that is partly dissolved is entirely dissolved applies only to the dissolution of a vow by a halakhic authority. A husband, however, terminates the vow from this point onward, so he can partially nullify it (Commentary on *Nedarim*). Alternatively, a vow that has been dissolved by a halakhic authority is considered to have been taken in error from the outset, as explained by the Rosh, and therefore once part of it is dissolved the whole vow is dissolved. Nullification by a husband, however, does not uproot the vow entirely, but merely cancels the part he nullifies.