

NOTES

But every vow of a widow and of her that is divorced – וְגֵדֶר אֶלְמָנָה וְגֵרוּשָׁה: Most commentaries understand that according to the Sages this verse refers to the specific case of this mishna, where the woman remarried. It would be unnecessary for the verse to state that the vows of an ordinary widow or divorcee apply to her, for who could possibly nullify them? Rather, the verse must be referring to a woman who married soon after her vow, and the novelty is that even in that case her vows cannot be nullified. Others, however, claim that the mishna does not mean the verse should be interpreted in this manner at all but is stating a separate halakha, which is derived not from the verse but from the basic principles of the halakhot of vows. The mishna cites the verse for stylistic purposes alone (Ritva; Rabbi Natan bar Yosef). It has been pointed out that a similar explanation is implied by Tosafot in Ketubot 49a.

HALAKHA

If she said, I am hereby a nazirite after thirty days – אָמְרָה הֲרִינִי נְזִירָה לְאַחַר שְׁלֹשִׁים יוֹם: If an adult woman takes a vow that will go into effect in thirty days, even if she marries within this period her new husband cannot nullify the vow (Rambam Sefer Hafla'a, Hilkhhot Nedarim 13:16; Shulhan Arukh, Yoreh De'a 234:35).

אִתִּיבִיָּה רַבִּינָא לְרַב אַשִּׁי: אֵלּוּ שְׁזָכִין לָהֶן – [עַל יְדֵי] בְּנֵי וּבָתֵּי הַגְּדוּלִים, וְעַבְדֵּי וְשִׁפְחֹתוֹ הָעֵבְרִים. וְאֵלּוּ שְׂאִין זָכִין לָהֶן – עַל יְדֵי בְּנֵי וּבָתֵּי הַקְּטָנִים, וְעַבְדֵּי וְשִׁפְחֹתוֹ הַכְּנַעֲנִים, וְאִשְׁתּוֹ!

אֵלָּא אָמַר רַב אַשִּׁי: מִתְּנִיתִן בְּשֵׁישׁ לָהּ חֶצֶר בְּאוֹתוֹ מִבּוֹי עֶסְקִינָן, דְּמַגּוּ דְזִבְיָא לְנַפְשָׁה – זָכִיָּא לְאַחֲרֵינִי.

מִתְּנִי' וְנָדַר אֶלְמָנָה וְגֵרוּשָׁה... יָקוּם עֲלֶיהָ? כִּיצַד? אָמְרָה "הֲרִינִי נְזִירָה לְאַחַר שְׁלֹשִׁים יוֹם" אֵף עַל פִּי שְׁנֵישָׁא בְּתוֹךְ שְׁלֹשִׁים יוֹם – אֵינוֹ יָכוֹל לְהַפֵּר.

Ravina raised an objection to Rav Ashi from the following baraita: These are the people who can acquire eiruv food on behalf of others: The eiruv food can be acquired by means of his adult son or daughter, and by means of his Hebrew slave or maidservant. And these are the people who cannot acquire an eiruv on behalf of others: The eiruv food cannot be acquired by means of his minor son or daughter, or by means of his Canaanite slave or maidservant, or by means of his wife. This indicates that a married woman does not have an independent right of acquisition to acquire the eiruv food on behalf of others, in opposition to the ruling of the mishna.

Rather, Rav Ashi said: In the mishna in Eiruv, we are dealing with a woman who possesses a courtyard of her own in that alleyway, i.e., it is a case where the husband had earlier stipulated that she should have property of her own, to which he renounces all his rights. As, since she acquires the eiruv food for herself by virtue of the courtyard that she owns in that alleyway, she likewise acquires it for others.

MISHNA The Torah states: "But every vow of a widow, and of her that is divorced,ⁿ with which she has bound her soul, shall stand against her" (Numbers 30:10). How so? If a widow or divorced woman said: I am hereby a nazirite after thirty days,^h then even if she was married within thirty days, her new husband cannot nullify her vow.

Perek XI Daf 89 Amud a

HALAKHA

If she took a vow while under the jurisdiction of her husband – נְדָרָה וְהִיא בְּרִשׁוֹת הַבַּעַל – נְדָרָה וְהִיא בְּרִשׁוֹת הַבַּעַל: If a married woman took a vow that was to go into effect after thirty days and her husband nullified it, even if he subsequently died or divorced her within that thirty-day period so that she was no longer under his jurisdiction when the vow went into effect, she is nevertheless released from the vow, as he has already nullified it (Rambam Sefer Hafla'a, Hilkhhot Nedarim 13:17; Shulhan Arukh, Yoreh De'a 234:34).

If she took a vow on that day – נְדָרָה בּוֹ בַּיּוֹם: If a married woman took a vow and her husband did not nullify it but divorced and remarried her on that same day, he can no longer nullify her vow, as she had come under her own jurisdiction after taking her vow (Rambam Sefer Hafla'a, Hilkhhot Nedarim 11:12; Shulhan Arukh, Yoreh De'a 234:14).

I am hereby a nazirite for when I will get married – הֲרִינִי נְזִירָה לְכִשְׁאֲנֶשָׂא: If an adult woman, or a widow or a divorcee, took a vow, stating: Wine will be forbidden to me when I will get married, wine is forbidden to her upon her marriage, and her husband cannot nullify her vow, as the halakha follows the opinion of Rabbi Akiva when he disagrees with a single colleague (Rambam Sefer Hafla'a, Hilkhhot Nedarim 13:18; Shulhan Arukh, Yoreh De'a 234:35).

I am hereby a nazirite for when I will get divorced – הֲרִינִי נְזִירָה לְכִשְׁאֲתָגֵרֶשׁ: If a woman takes a vow, stating: Meat will be forbidden to me when I will get divorced, her husband can nullify her vow, and then meat is permitted to her even after her divorce, in accordance with the opinion of Rabbi Akiva (Rambam Sefer Hafla'a, Hilkhhot Nedarim 13:18; Shulhan Arukh, Yoreh De'a 234:34).

נְדָרָה וְהִיא בְּרִשׁוֹת הַבַּעַל – מִפּוֹרָה לָהּ. כִּיצַד? אָמְרָה "הֲרִינִי נְזִירָה לְאַחַר שְׁלֹשִׁים יוֹם" אֵף עַל פִּי שְׁנֵישָׁא לְמִנְהָ אוֹ נִתְגַּרְשָׁה בְּתוֹךְ שְׁלֹשִׁים יוֹם – הֲרִי זֶה מוֹפֵר. נְדָרָה בּוֹ בַּיּוֹם, וְנִתְגַּרְשָׁה בּוֹ בַּיּוֹם, הַחֲזִירָה בּוֹ בַּיּוֹם – אֵינוֹ יָכוֹל לְהַפֵּר. זֶה הַכֹּל: כָּל שִׁנְיָאָה לְרִשׁוֹת עֲצֻמָּה שְׂעָה אַחַת – אֵינוֹ יָכוֹל לְהַפֵּר.

גַּמ' תְּנִיָּא: אֶלְמָנָה וְגֵרוּשָׁה שְׂאֻמְרָה "הֲרִינִי נְזִירָה לְכִשְׁאֲנֶשָׂא" וְנִשְׂאָתָּ, רַבִּי יִשְׁמַעֵאל אוֹמֵר: יִפֵּר, וְרַבִּי עֲקִיבָא אוֹמֵר: לֹא יִפֵּר. וְסִימְנָא יִלְ"י. אִשְׁתּוֹ אִישׁ שְׂאֻמְרָה "הֲרִינִי נְזִירָה לְכִשְׁאֲתָגֵרֶשׁ" וְנִתְגַּרְשָׁה, רַבִּי יִשְׁמַעֵאל אוֹמֵר: לֹא יִפֵּר, וְרַבִּי עֲקִיבָא אוֹמֵר: יִפֵּר.

If she took a vow while she was under the jurisdiction of her husband,^h he can nullify the vow for her. How so? If she said when she was still married: I am hereby a nazirite for after thirty days, and her husband nullified the vow, then even if she was widowed or divorced within the thirty-day period, the vow is nullified. If she took a vow on that, i.e., one, day^h and was divorced on that same day, then even if her husband took her back as his wife on that same day, he cannot nullify her previous vows. This is the principle: Once she has left and gone into her own jurisdiction for even a single hour, then after they are remarried her husband can no longer nullify any vow she uttered during their first marriage.

GEMARA It is taught in a baraita: With regard to a widow or a divorcee who said: I am hereby a nazirite for when I will get married,^h and she was married, Rabbi Yishmael says her husband can nullify her vow, whereas Rabbi Akiva says he cannot nullify it. And the mnemonic device^b for the opinions of Rabbi Yishmael and Rabbi Akiva with regard to this halakha and the following one is the Hebrew acronym yod, lamed, lamed, yod: Yafer, lo yafer; lo yafer, yafer, i.e., he can nullify, he cannot nullify; he cannot nullify, he can nullify. As for a married woman who said while she was married: I am hereby a nazirite for when I will get divorced,^h and she was divorced, Rabbi Yishmael says her husband cannot nullify her vow, whereas Rabbi Akiva says he can nullify it.

BACKGROUND

The mnemonic device – סִימְנָא: Because the Talmud was studied to help individuals remember a series of items in the order in orally for many generations, mnemonic devices were employed which they were taught.

אמר רבי ישמעאל: הרי הוא אומר "ונדר אלמנה וגרושה" וגו' – עד שיהא נדר בשעת אלמנות וגרושין. רבי עקיבא סבר: הרי הוא אומר "כל אשר אסרה על נפשה" – עד שיהא איסורי נדר בשעת אלמנות וגרושין.

אמר רב חסדא: מתניתין רבי עקיבא היא. אביי אמר: אפילו תימא רבי ישמעאל, מתניתין תליא נפשה ביומי, ברייתא תליא נפשה בנישואין.

שלמו יומי ולא נתגרשה, שלמו יומי ולא מיתנסבא.

"זה הכלל" דקתני גבי "נערה המאורסה" – לאיתווי הלך האב עם שלוחי הבעל, או שהלכו שלוחי האב עם שלוחי הבעל בנערה המאורסה, דאביה ובעלה מפירין נדריה.

Rabbi Yishmael said: It says: "But every vow of a widow, and of her that is divorced... shall be upheld against her" (Numbers 30:10), which means that the practical application of the vow must be in the time of the woman's widowhood or divorce. Only when the vow is to take effect when she is a widow or a divorcee shall it be upheld against her, since then it is impossible to nullify. Rabbi Akiva, by contrast, maintains: It says: "But every vow... with which she has bound her soul, shall be upheld against her," which means that the binding of the vow, i.e., the taking of the vow creating the prohibition, must be at the time of the woman's widowhood or divorce.

Rav Hisda said: The mishna that links the possibility of nullification to the time of the taking of the vow is the opinion of Rabbi Akiva. Abaye said: Even if you say that the mishna follows the opinion of Rabbi Yishmael, there is no difficulty, for the mishna is referring to a woman who made her vow dependent on days,^N i.e., she specified that the vow should take effect after a fixed period of time. By contrast, the *baraita* is referring to a woman who made her vow dependent on marriage.

In the case of the *baraita*, since the woman explicitly connected the application of her vow to her marital status, the possibility of nullifying the vow depends on the time that the vow takes effect. But in the case of the mishna, where the application of the vow is tied to a particular date, it is possible that **the days will be completed and she was not divorced**, or that **the days will be completed and she was not married**. Since there is no inherent connection between her marriage and the vow, Rabbi Yishmael agrees that the possibility of nullification depends on the time when the vow was pronounced.

§ The mishna in the previous chapter (71a) teaches that as long as a betrothed young woman has not gone out into her own jurisdiction for a single moment, her father and her husband can nullify her vows. The mishna in this chapter teaches the principle in the reverse: If she has gone out for even a single hour, her husband cannot nullify her vows. The Gemara addresses this repetition. The mishna of: **This is the principle, which is taught in the chapter called: A betrothed young woman, serves to include a case where the father went with the messengers of the husband after handing over his daughter in marriage and a case where the messengers of the father went with the messengers of the husband. In the case of a betrothed young woman, since the father or his messengers were still with her, she has not yet left her father's jurisdiction, and nevertheless the mishna teaches that her father and her husband can nullify her vows.**

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^N תליא נפשה ביומי – The Commentary on *Nedarim* explains that since she made her vow dependent on a particular day, she did not take into account the possibility that she might marry. Similarly, it did not occur to the married woman that she might get divorced during that period. In contrast, since in the *baraita* she expressly tied her vow to a change in her status, i.e., marriage or divorce, it is reasonable that nullification should be possible only when the vow is in effect.

A different interpretation is suggested by the Ran and the Rosh. They maintain that if she made her vow dependent on time, since there is no certainty that her status will change and the vow can apply in her present situation, it is logical that the appropriate time for the nullification of the vow is the moment of its utterance.

הלך – If the father went with the messengers of the husband – הלך – If a father handing over his daughter in marriage went with the messengers of the husband, or if the messengers of the father went with the messengers of the husband, the father and the husband of the betrothed woman can nullify her vows together. However, if the father handed over his daughter to the messengers of the husband, or if the messengers of the father handed her over to the messengers of the husband, the father cannot nullify her vows, as she has already left his jurisdiction. Moreover, the husband cannot nullify them, because he has no rights over vows that preceded the marriage.

According to the Ran, she is under her husband's jurisdiction with regard to any vow she takes from the moment of the transfer onward, although the *Tur* rules that the husband cannot nullify her vows until she enters under the wedding canopy (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 11:22; *Shulhan Arukh, Yoreh De'a* 234:8).

BACKGROUND

A grown woman, a young woman, and a minor – בגורת נערה: Jewish law identifies three stages in a female's development. A girl is considered a minor from age three through twelve years and one day. For the next six months she is termed a young woman, after which she becomes a grown woman. As a woman matures and passes through these stages, she assumes more responsibility for her own decisions and her father loses, in stages, his authority over her.

”זה הכלל” דקתני גבי ”ואלו נדרים” – לאיתוי מסר האב לשלוחי הבעל, או שמשרו שלוחי האב לשלוחי הבעל, שאין הבעל מיפר בקודמין.

מתני' תשע נערות נדרהין קיימין: בגורת והיא יתומה, נערה ובגרה והיא יתומה.

The mishna of: This is the principle, which is taught in this chapter, called: And these are the vows, serves to include a case where the father handed over his daughter to the messengers of the husband,^N or a case where the messengers of the father handed her over to the messengers of the husband. Although neither the father nor his messengers accompanied her, and therefore she has been fully handed over to her husband, nevertheless, the mishna teaches that the husband cannot nullify previous vows, i.e., vows that preceded their marriage.^H

MISHNA There are nine young women^N whose vows are upheld and cannot be nullified: If she took a vow when she was a grown woman^B and she is an orphan;^N if she took a vow when she was a young woman, and has reached her majority, and she is an orphan;

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Where the father handed over his daughter to the messengers of the husband – מסר האב לשלוחי הבעל: According to the Ritva this refers to a father who handed over his daughter to the messengers of the husband, which means his daughter has entirely left his jurisdiction and he can no longer nullify her vows. Meanwhile, the husband has the power to nullify only vows taken after the actual marriage ceremony, i.e., entry under the wedding canopy. Therefore, during the period between the handing over and the canopy she is completely under her own jurisdiction, and her husband cannot nullify her vows at that stage. The Ran and others, however, explain that as soon as she is handed over to the messengers of the husband she is under his jurisdiction with regard to vows, even before the marriage ceremony. The mishna is merely stating that the husband cannot nullify vows that preceded the transfer, not even in partnership with her father.

Rabbi Avraham min HaHar and the Ritva cite the opinion of Rashi, with which *Tosafot* and the Rosh agree, that the case refers to a father who handed over his daughter to the messengers of the husband without accompanying them, and during the time she was walking with the husband he divorced her and then remarried her. Upon her divorce she leaves her father's jurisdiction entirely, and since a man who has betrothed a woman can nullify vows only together with the father, he cannot nullify her vows either. Rabbi Natan bar Yosef explains likewise.

Rabbi Avraham min HaHar is puzzled as to why Rashi explains the matter in such a convoluted manner when he could have adopted a far simpler interpretation. The *Beit Meir* writes that this explanation is based on the wording of the mishna; since the mishna mentions a case in which she was divorced and remarried on the same day, Rashi establishes the situation included by the mishna as referring to a similar set of circumstances.

Nine young women – תשע נערות: The early authorities, among them the Rosh, point out that the term: Young women, is not precise, as the list includes grown women. The Rid states that the term young women comes to exclude only minors, but not adults. In the Rambam's Commentary on the Mishna it is explained that when the mishna speaks of young women it is referring to the time of their betrothal, which is not contradicted by the fact that some of the girls have since reached full maturity.

A grown woman and she is an orphan – בגורת והיא יתומה: In the Rambam's Commentary on the Mishna, as well as in Rabbi Tam's *Sefer HaYashar*, it is explained that every orphan mentioned in this mishna refers not to an actual orphan but to what the Gemara calls: An orphan in her father's lifetime. This refers to a minor girl who was previously married before being divorced or widowed, after which the father no longer retains rights over her. This accounts for the two categories in the mishna of an orphan and one whose father died.

According to *Tosafot* and the Gra, however, the mishna is referring to an actual orphan, which means that it lists only two types of young women whose vows are upheld, i.e., a grown woman and one whose father died. As for the two categories of an orphan and one whose father died, the first case refers to one who took a vow when she was already an orphan, while the second case deals with a girl who took a vow when her father was still alive but whose father subsequently passed away.

It is stated in the Jerusalem Talmud that there are only two such categories of young women: The first is an actual orphan and an orphan in her father's lifetime, since, as the commentaries explain, the two in fact fall under one category, based on the fact that an actual orphan and an orphan in her father's lifetime are basically equivalent; and the second is a grown woman. The Gra, however, claims that the case of an orphan in her father's lifetime is omitted from our mishna, as it represents the sole, dissenting opinion of Rabbi Yehuda.

BACKGROUND

A ladder [*gappa*] and rope [*tovelayya*] – גַּפָּא וְתוּבְלָיָא – Various interpretations have been offered for these terms. The Commentary on *Nedarim* explains that *gappa* means a ladder used for climbing and *tovelayya* refers to the rope with which bundles of dates are lowered. Alternatively, it suggests that *gappa* means alone, i.e., he climbed by himself, while *tovelayya* refers to climbing with the aid of a rope. *Tosafot* and the Rosh explain that *gappa* and *tovelayya* are containers for the collection of fruit. According to the Ran, the Gemara is referring to his staff and satchel. Rabbi Yitzhak Tzarfati and the *Arukh* maintain that *gappa* is a type of small ax tied to the end of a pole and used for chopping down dates, whereas *tovelayya* is a basket attached to the end of a stick, in which the falling dates are collected. Rabbi Yitzhak Tzarfati further suggests that *tovelayya* refers to the mat used for dates that fall off palm trees. The Ritva associates *tovelayya* with *havalim*, worthless matters.

גמ' תנא: "שאיני נהנית לאבא ולאבין
אם אני עושה לפיך" רבי נתן אומר: לא
יפר, וחכמים אומרים: יפר.

"נטולה אני מן היהודים אם משמשתך"
רבי נתן אומר: לא יפר, וחכמים אומרים:
יפר.

ההוא גברא דאיתסר הננייתא דעלמא
עליה אי נסיב איתתא בי לא תנינא
הילכתא. רהיט בגפא ותובליא ולא
אמצי למיתנא. אתא רב אחא בר רב
הונא ושבשיה, ואינסיב איתתא.

GEMARA It is taught in a *baraita*: If a woman said to her husband: **Deriving benefit from my father or from your father is *konam* for me if I will prepare anything for you, Rabbi Natan says her husband cannot nullify the vow.** She must prepare food for him, as she is obligated to do so by virtue of their being married, and it is prohibited for her to benefit from their respective fathers. The husband cannot nullify a vow that has not yet taken effect and that depends on the fulfillment of a certain condition. **And the Rabbis say that even in such a case he can nullify her vow.**

The *baraita* continues: If the woman said to her husband: **I am removed from the Jews, i.e., the benefit of my engaging in sexual intercourse will be forbidden to all Jews, if I engage in sexual intercourse with you, Rabbi Natan says he cannot nullify the vow.** Rather, she must engage in sexual intercourse with her husband, as she is obligated to do so by virtue of their marriage, and she will be forbidden to all other Jews. **And the Rabbis say he can nullify her vow.**

It is related that there was a certain man who took a vow that all benefit from the world should be forbidden to him^N if he marries a woman when he has not yet learned *halakha*. He would run up a ladder and rope^{BN} but was not able to learn the material, i.e., despite all his efforts he failed in his studies. Rav Aḥa bar Rav Huna came and misled him, allowing him to understand that even if he took a vow, the vow would not take effect, and so he married a woman.

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That all benefit from the world should be forbidden to him – דאיתסר הננייתא דעלמא: This seems to imply that he prohibited himself from receiving any benefit from the whole world. *Tosafot* and other commentaries explain that although a vow that cannot realistically be kept is invalid as a vow of exaggeration, that principle does not apply in this case, as he could simply refrain from marrying a woman and therefore prevent the vow from taking effect. The Ritva, however, explains that he did not prohibit himself from receiving any benefit from the world but only some types of benefit, in such a manner that he could theoretically observe the terms of his vow.

רהיט בגפא ותובליא – Three interpretations have been offered for this phrase. The Commentary on *Nedarim* and the Ran maintain that regardless of the precise meaning of the words, it is a figurative expression that means he tried hard to study, without success. Others explain that it refers to work with fruit and palm trees, meaning either that he was very successful in his business or was excessively involved in worthless, mundane matters (Ritva) and could not find the time to study (*Tosafot*; Rosh; *Tosefot Rabbeinu Peretz*; Ritva). Yet others suggest he performed these tasks in order to provide fruit for the Sages so that they should teach him Torah. Despite this attempt, he failed to become a scholar (*Arukh*).