

NOTES

Konam – קונם: A *konam* is one of various types of vows, and its *halakhot* are explained in tractate *Nedarim*. The word *konam* seems to be an alternate term for an offering, and the basic concept of a *konam* is that one prohibits himself or others from deriving benefit from a particular object by making that object similar to a consecrated item. Despite this, there is a difference between a consecrated item and an object prohibited by a *konam*. Consecration is universal; whatever is consecrated becomes prohibited to everyone. In contrast, a *konam* is an individual prohibition relating either to the one taking the vow or to another specific person. Moreover, consecrated items become the property of the Temple, whereas something prohibited by a *konam* is similar to a consecrated item only with regard to its negative properties. Although it is prohibited to derive benefit from it, the Temple treasury does not have any rights to the item. The continuation of the Gemara discusses the differences between a *konam* and consecration.

HALAKHA

What I make to feed you is like an offering [*konam*] – קונם שאני עושה לפיך: If a married woman said: My hands are consecrated to the One Who made them, or vowed that her husband may not derive benefit from her earnings, it is not prohibited for him to use her earnings, since she is subjugated to him with regard to her earnings. However, he should nullify her vow lest he divorce her, in which case the vow will take effect and it will be prohibited for him to derive benefit from her and to remarry her. According to this, since she made a *konam* vow her earnings are also prohibited, in accordance with the opinion of Rav Ashi (see 59b), who is the later authority. The Rema writes that this vow can take effect only when she says: My hands are consecrated to the One Who made them, and the Rosh, the Ran, and the *Tur*, who maintain that a *konam* vow cannot take effect on an item that does not exist in the world, agree (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 12:10 and *Kesef Mishne* there; *Shulhan Arukh*, *Yoreh De'a* 234:71, *Even HaEzer* 81:2).

מזונות תחת מעשה ידיה, ומעשה כסף תחת מותר. ובין דלא קא יהיב לה מעשה כסף – מותר דידה הוי. רב אדא בר אבהו סבר: תקנו מזונות תחת מותר, ומעשה כסף תחת מעשה ידיה. ובין דקא יהיב לה מזוני – מותר דידה הוי.

במאי קמיפלגי? מר סבר: מידי דשכיח במידי דשכיח, ומר סבר: מידי דקניין במידי דקניין.

מיתבי: תקנו מזונות תחת מעשה ידיה! אימא. תחת מותר מעשה ידיה.

תא שמע: אם אינו נותן לה מעשה כסף לצורכיה – מעשה ידיה שלה! אימא. מותר מעשה ידיה שלה. והא עלה קתני: מה היא עושה לו – משקל חמש סלעים שתי ביהודה!

הכי קאמר: מעשה ידיה כמה הוי דלידע מותר דידה כמה – משקל חמש סלעים שתי ביהודה, שהן עשר סלעים בגליל.

אמר שמואל: הלכה ברבי יוחנן הסנדלר.

ומי אמר שמואל הכי? והתנן: "קונם שאני עושה לפיך" – אינו צריך להפר. רבי עקיבא אומר: יפר, שמא תעדיף עליו יתר מן הראוי לו. רבי יוחנן בן נורי אמר: יפר, שמא יגרשנה ותהא אסורה לחזור.

sustenance in exchange for her earnings, and the silver *ma'a* coin that he must give her in exchange for the surplus that she continues to make beyond her quota. And since he does not give her a silver *ma'a* the surplus is hers, unless some of it is left after her death, in which case the husband inherits it. Rav Adda bar Ahava maintains that they established sustenance in exchange for the surplus, and a silver *ma'a* in exchange for her earnings. And since he provides her with sustenance, the surplus is his, and therefore the sanctity takes effect on it immediately when she produces the surplus.

The Gemara asks: **With regard to what do they disagree?** The Gemara explains: One Sage, i.e., Rav and Shmuel, holds that they established something common in exchange for something common. Consequently, they established sustenance, which is common, in exchange for earnings, which are also common. And one Sage, Rav Adda bar Ahava, holds that they established something with a fixed amount in exchange for something with a fixed amount. Consequently, since a silver *ma'a* is a fixed amount and the quota of a woman's earnings is also fixed, they established one in exchange for the other.

The Gemara raises an objection to Rav Adda bar Ahava's opinion from a *baraita*: **They established sustenance in exchange for her earnings.** Apparently, sustenance is not in exchange for the surplus. The Gemara answers by emending the text of the *baraita*: **Say: They established sustenance in exchange for the surplus of her earnings.**

The Gemara attempts another proof from a mishna (64b): **Come and hear: If he does not give her a silver *ma'a* for her needs, her earnings belong to her.** This indicates that the earnings were established in exchange for the silver *ma'a*, as Rav Adda bar Ahava contended. The Gemara rejects this by emending the text of the mishna: **Say: The surplus of her earnings belongs to her.** The Gemara challenges the emendation: **But it is taught in the continuation of this mishna: What is the fixed amount that she must earn for him?** She must spin the weight of five *sela* of threads of the warp in Judea, which is the equivalent of ten *sela* according to the measurements of the Galilee. This clause implies that the mishna is not discussing the surplus but rather the quota of her required earnings.

The Gemara answers: **This is what it is saying: How much is the required amount of her earnings, so that one can know how much of what she produces constitutes the surplus, and to this the mishna replied: The weight of five *sela* of threads of the warp in Judea, which is the equivalent of ten *sela* according to the measurements of the Galilee.**

Shmuel said: The *halakha* is in accordance with the opinion of Rabbi Yohanan the Cobbler. A husband may not consecrate his wife's earnings at all, as they have not yet come into being.

The Gemara asks: **And did Shmuel actually say this?** But didn't we learn in a mishna (*Nedarim* 85a): If a woman said: **What I make to feed you, i.e., what I earn for you, is forbidden like an offering [*konam*],^{NH} the husband does not need to nullify this vow.** She has a prior obligation to work for him, and therefore the *konam* cannot take effect on something that does not belong to her. **Rabbi Akiva says: Even so, the husband should nullify the vow, lest she produce more earnings than is appropriate for him, and the *konam* will then take effect on the surplus amount. Rabbi Yohanan ben Nuri said: He should nullify the vow for a different reason, lest he divorce her.** Since she rendered her earnings forbidden to him, she will be prohibited from remarrying him after her divorce, as it would then be impossible for him to avoid benefiting from his wife's earnings.

ואמר שמואל: הלכה כרבי יוחנן בן נורי!
כי אמר שמואל הלכה כרבי יוחנן בן
נורי – להעדפה.

And Shmuel said: The *halakha* is in accordance with the opinion of Rabbi Yoḥanan ben Nuri, who maintains that the wife can render her future earnings prohibited to her husband before these earnings have come into being, with the prohibition to go into effect after she divorces. This would imply that Shmuel holds that it is possible to consecrate an object that has not yet come into the world, contrary to what Rabbi Yoḥanan the Cobbler said. The Gemara answers: **When Shmuel said that the *halakha* is in accordance with the opinion of Rabbi Yoḥanan ben Nuri, he was referring only to the surplus.**

וליאמא: הלכה כרבי יוחנן בן נורי
להעדפה, אי נמי: אין הלכה כתנא קמא,
אי נמי: הלכה כרבי עקיבא!

The Gemara asks: If so, let him say explicitly that the *halakha* is in accordance with the opinion of Rabbi Yoḥanan ben Nuri with regard to the surplus, or alternatively, he should say that the *halakha* is not in accordance with the first *tanna*, or alternatively, he should simply say: The *halakha* is in accordance with Rabbi Akiva, who is concerned about the surplus amount.

אלא אמר רב יוסף: קונמות קאמרת?
שאני קונמות, מתוך שאדם אוסר פירות
חבירו עליו – אדם מקדיש דבר שלא
בא לעולם.

Rather, explain it differently, as Rav Yosef said: Did you speak about *konamot* to prove your contention that one can consecrate objects that have not yet come into the world? *Konamot* are different, as they have a special status, since a person can prohibit another's produce to himself. If one says to another: Your produce is *konam* to me, it is prohibited for him to eat that produce, although it does not belong to him and the prohibition will apply to it only when it reaches his domain. This indicates that a *konam* has unique power that enables a person to consecrate an object that has not yet come into the world, which according to Rabbi Yoḥanan the Cobbler is an exception to the principle. Consequently, Shmuel's ruling in accordance with Rabbi Yoḥanan ben Nuri with regard to *konamot* is not relevant to his opinion on the issue of a wife's earnings.

אמר ליה אביי: בשלמא אדם אוסר
פירות חבירו עליו – שכן אדם אוסר
פירותיו על חבירו, ואסור דבר שלא בא
לעולם על חבירו, שכן אין אדם אוסר
פירות חבירו על חבירו?

Abaye said to him: This analogy cannot serve as a proof. **Granted, a person can prohibit another's produce to himself, but this is possible because a person can prohibit his own produce to another.** In both cases there is at least one aspect of the prohibition that is in his domain, either when he forbids another's produce to himself, or when he forbids produce in his own possession to others. However, one cannot prohibit an object that has not yet come into the world to another, since a person cannot prohibit another's produce to another. Just as he cannot make a *konam* and render prohibited to another person produce that is not in his possession, he also cannot render prohibited to another person produce that has not yet come into the world. If so, how can a woman render her earnings prohibited to her husband by a *konam* if those earnings have not yet come into the world?

אלא אמר רב הונא בריה דרב יהושע:
באומרת 'קדשו ידי לעושיהם' דידי
איתנהו בעולם.

Rather, the Gemara rejects that explanation and instead explains as Rav Huna, son of Rav Yehoshua, said: The mishna does not refer to a case where she said: My earnings are *konam* to you, but rather to one when she says: **My hands are consecrated to the One Who made them,**ⁿ and this *konam* can take effect because the hands do exist in the world.

וכי קאמרה הכי מי מקדשין? הא
משעבדא ליה! דאמרה 'לכי מיגרשה'.

The Gemara asks: **When she says this in such terms does it become consecrated? She is subjugated to her husband with regard to her earnings, so how can she consecrate that which is not hers?** The Gemara answers: **She says that the consecration will take effect when she will get divorced from her husband.**

ומי איבא מידי, דאילו השתא – לא
קדיש, ולקמיה קדיש? אמר רבי אלעאי:
אלמה לא? אילו האומר לחבירו 'שדה
זו שאני מוכר לך, לכשאקחנה ממך
תיקדש' מי לא קדשה?

The Gemara asks: **Is there anything one would do that if done at present, the consecration could not take effect and in the future the consecration could take effect?** Rabbi Elai said: **Why not? If one told another: This field that I am selling to you will be consecrated when I buy it back from you,**ⁿ doesn't that field become consecrated when he buys it back? It appears that one can cause an item to become consecrated in the future although at present he cannot consecrate it.

NOTES

My hands are consecrated to the One Who made them – לעושיהם: The Rashba writes that the Sages had a tradition that consecrating one's hands for that which they produce is analogous to consecrating a palm tree for its fruit, in which case the sanctity takes effect on the fruit. The fruit is formed inside the tree and within it; similarly, hands craft the handiwork they produce. However, consecrating one's hands is not analogous to setting a trap and consecrating whatever is caught in the trap. The trap itself does not create what it catches, and therefore it cannot consecrate what is in it.

HALAKHA

This field that I am selling you will be consecrated when I buy it back from you – ושאני מוכר לך: If one says to another: This field that I am selling you will be consecrated when I buy it back from you, it becomes consecrated when he repurchases the field. The reason the consecration is effective is that he could have consecrated the field at the time he made the declaration (Rambam *Sefer Hafla'a, Hilkhot Arakhin VaHaramim* 6:29).

מתקוף לה רבי ירמיה: מי דמי?
התם - בידו להקדישה, הכא - אין
בידה לגרש את עצמה. הא לא דמיא
אלא לאומר לחבירו "שדה זו שמכרתי
לך לכשאקחנה ממך תיקדש" - דלא
קדשה!

Rabbi Yirmeya objects to this: Are these cases comparable?
There, with regard to a field, since the field that he is selling belongs to him at the time of the sale, **it is in his power to consecrate it now**. Therefore, he can effect sanctity on it at a later point as well. But **here**, it is not in her power to divorce herself. Consequently, the analogy is invalid. Rather, **this is comparable only to a different case, when one says to another: This field that I already sold to you will be consecrated when I buy it back from you.**^h In that case the field is not consecrated, as, when he said this the field was not in his possession, and one cannot consecrate an object that has not yet come into the world.

מתקוף לה רב פפא: מי דמי? התם -
גופא ופירות בידא דלוקח, הכא - גופא
בידה הוא! הא לא דמיא אלא לאומר
לחבירו

Rav Pappa objects to this: Is Rav Yirmeya's analogy comparable?
There, the field itself and its produce are in the possession of the buyer, and therefore the seller cannot consecrate them. **Here**, her body is in her possession, as she owns her hands. Rather, **this is comparable only to a case where one says to another:**

HALAKHA

This field that I already sold to you will be consecrated when I buy it back from you - תיקדש: If one said to another: This field that I sold you will be consecrated when I repurchase it from you, then even if he

repurchases the field it is not consecrated. Since the field was not in his possession at the time he made the declaration, it was not within his power to consecrate it (Rambam *Sefer Hafla'a, Hilkhot Arakhin VaHaramim* 6:27).

"שדה זו שמשכנתי לך, לכשאפדנה
ממך - תיקדש" - דקדשה.

This field that I mortgaged to you^h and from whose produce you are benefiting will be consecrated when I redeem it from you. The *halakha* is that it is consecrated, since the field itself was not transferred to another's ownership.

מתקוף לה רב שישא בריה דרב אידי:
מי דמי? התם בידו לפדותה, הכא - אין
בידה לגרש עצמה. הא לא דמיא אלא
לאומר לחבירו "שדה זו שמשכנתי
לך לעשר שנים, לכשאפדנה ממך -
תיקדש" דקדשה.

Rav Sheisha, son of Rav Idi, objects to this: Is it comparable?
There, in the case where he mortgaged the field, it is in his power to redeem it, whereas **here**, with regard to a woman who renders her earnings prohibited to her husband, it is not in her power to divorce herself from her husband. **This is only comparable to one who says to another: This field that I have mortgaged to you for ten years will be consecrated when I redeem it from you.** The *halakha* is that it is consecrated. Similarly, in this case, despite the fact that her earnings belong to her husband, when she will be divorced they will revert to her, and since her hands have always belonged to her, she can consecrate her earnings.

מתקוף לה רב אשי: מי דמי? התם -
לעשר שנים מיהא בידו לפדותה, הכא -
אין בידה לגרש עצמה לעולם.

Rav Ashi objects to this: Is it comparable? **There**, after ten years in any case it will be in his power to redeem it, whereas **here**, with regard to a woman, it is never in her power to divorce herself from her husband. Consequently, there is no way for her to consecrate her future earnings.

HALAKHA

This field that I mortgaged to you - שדה זה שמשכנתי לך: If one said to another: This field that I mortgaged to you will be consecrated when I redeem it from you, then when he redeems the field it becomes consecrated, since it is then in his power to

redeem it. Even if the field were mortgaged for a fixed period, it is still consecrated, since it is in his power to redeem the field after that period (Rambam *Sefer Hafla'a, Hilkhot Arakhin VaHaramim* 6:29).

Konamot are different – שאני קונמות – The Meiri writes that the commentaries dispute whether Rav Ashi's words relate to the *halakha* of *konamot* in general or whether he is discussing only a situation where the woman said: My hands are consecrated to the One Who made them. If the former is true, Shmuel's ruling is to be interpreted as explained by Rav Yosef: Even if the woman consecrated her earnings themselves, the consecration is valid. The latter interpretation is in accordance with the opinion of Rav Huna, son of Rav Yehoshua. This dispute has implications both with regard to Rav Ashi's opinion and the *halakha* itself.

They are a type of inherent sanctity – קדושת הגוף ניהו – Rashi explains at length that the term inherent sanctity used in this context does not mean that the item has actual inherent sanctity like consecrated items designated for the altar. Rather, the significance of the term is that if an item was prohibited by a *konam*, it has a similar status to objects that have inherent sanctity, meaning that it cannot be redeemed. If an animal is consecrated for an offering, it has inherent sanctity and its sanctity is irrevocable as long as it is fit to be offered on the altar, which is not the case for items whose sanctity inheres in their value, such as an item consecrated for Temple maintenance, which has no innate sanctity and therefore one can redeem it. An item that was prohibited by a *konam* is similar to an object with inherent sanctity in that it remains prohibited forever, or at least until the vow is revoked. It cannot be redeemed or desecrated.

She may sit in a chair – יושבת בקתדרא – *Tosafot* add the following: It would seem from the mishna that, like a woman who brought four maidservants with her into the marriage, a woman who brought three maidservants with her also does not have to perform any tasks. Nevertheless, she is still obligated to do light housework. In contrast, a woman who brought four maidservants does not have to do any work at all.

LANGUAGE

Chair [*katedra*] – קתדרא – From the Greek *καθέδρα*, *kathedra*, meaning chair, specifically a chair of honor used by scholars or rulers.

אֵלָא אָמַר רַב אֲשִׁי: קוֹנְמוֹת קָא אָמַרְתְּ?
שְׂאֵנִי קוֹנְמוֹת דְּקְדוּשַׁת הַגּוּף נִיְהוּ, וְכִדְרָבָא.
דְּאָמַר רַבָּא: הַקְדָּשׁ, חֵמֶץ, וְשִׁחְרוּר –
מִפְקִיעִין מִיַּד שְׂעֵבֹד.

Rather, the contradiction between the two rulings of Shmuel must be resolved in a different manner. Rav Ashi said: Did you speak about *konamot*? *Konamot are different*,^N since they are a type of inherent sanctity,^N and therefore the *konam* can take effect on an item that is subjugated to another person, in accordance with the *halakha* articulated by Rava. As Rava said: Consecration,^H the prohibition of leavened bread on Passover,^H and the liberation of a slave^H can all abrogate a lien on property. If property was mortgaged to another person, and then the owner consecrated it, or if leavened bread was mortgaged and Passover arrived and it became prohibited to benefit from it, or if a slave was mortgaged and then liberated by his owner, the lien is abrogated. Since *konam* is a form of consecration, it can take effect on an item even when it is subjugated to another when the owner prohibited it, similar to the case of mortgaged property.

וְנִקְדְּשׁוּ מִהֶשְׁתָּא! אֵלְמוּהָ רַבְּנָן לְשִׂיעֻבְדֵיהִי
דְּבַעַל, כִּי הֵיכִי דְלָא תִיקְדָּשׁ מִהֶשְׁתָּא.

The Gemara asks: If it is so, that a *konam* can remove the lien on property, let her earnings become consecrated from now, even before her husband divorces her. The Gemara answers: The Sages reinforced the husband's lien in order that it not become consecrated now. However, since in general a *konam* can take effect on mortgaged items, it can take effect on her earnings after she leaves her husband's jurisdiction.

מִתְנִי' וְאֵלּוּ מְלָאכּוֹת שְׂהָאִשָּׁה עוֹשָׂה
לְבַעְלָהּ: טוֹחֶנֶת, וְאוֹפָה, וּמְכַבֶּסֶת, מְבַשֶּׁלֶת,
וּמְנִיקָה אֶת בְּנָהּ, מִצַּעֵת לוֹ הַמָּטָה, וְעוֹשָׂה
בְּצִמְרָא. הַכְּנִיסָה לוֹ שִׁפְחָה אַחַת – לֹא
טוֹחֶנֶת וְלֹא אוֹפָה וְלֹא מְכַבֶּסֶת. שְׂתִים –
אֵין מְבַשֶּׁלֶת וְאֵין מְנִיקָה אֶת בְּנָהּ. שְׁלֹשׁ –
אֵין מִצַּעֵת לוֹ הַמָּטָה, וְאֵין עוֹשָׂה בְּצִמְרָא.
אַרְבַּע – יוֹשֶׁבֶת בְּקַתְדְרָא.

MISHNA And these are tasks that a wife must perform^H for her husband: She grinds wheat into flour, and bakes, and washes clothes, cooks, and nurses her child, makes her husband's bed,^H and makes thread from wool^H by spinning it. If she brought him one maidservant,^H i.e., brought the maidservant with her into the marriage, the maidservant will perform some of these tasks. Consequently, the wife does not need to grind, and does not need to bake, and does not need to wash clothes. If she brought him two maidservants,^H she does not need to cook and does not need to nurse her child if she does not want to, but instead may give the child to a wet nurse. If she brought him three maidservants,^H she does not need to make his bed and does not need to make thread from wool. If she brought him four maidservants, she may sit in a chair [*katedra*]^{NL} like a queen and not do anything, as her maidservants do all of her work for her.

HALAKHA

Consecration abrogates the lien – הקדש מפקיע שְׂעֵבֹד – Consecration removes the lien on property, in accordance with the opinion of Rava, who said that if the borrower consecrates mortgaged property, he abrogates the lien on it, and the creditor cannot collect his debt from that property. According to most ruling authorities, who follow the *ge'onim* and Rashi, this is applicable only if he consecrated the property with inherent sanctity, but if he consecrated it with sanctity that inheres in its value, the consecration cannot abrogate the lien on the property, and the borrower must redeem it with a small sum of money so that people do not say that consecrated items can be desecrated without redemption. However, the Rambam maintains that even sanctity that inheres in an item's value can abrogate the lien until the item is redeemed (Rambam *Sefer Mishpatim*, *Hilkhot Malve VeLoveh* 18:7 and *Sefer Hafla'a*, *Hilkhot Arakhin VaHaramim* 7:14; *Tur*, *Hoshen Mishpat* 117; *Shulhan Arukh*, *Hoshen Mishpat* 117:7, and in the comment of Rema).

The prohibition of leavened bread on Passover abrogates the lien – חֵמֶץ מִפְקִיעַ מִשְׂעֵבֹד – In a case where a Jew borrowed money from a gentile and mortgaged leavened bread as a guarantee against his loan, if Passover elapsed before the loan was repaid, it is permitted to derive benefit from the leavened bread only if he transferred the leavened bread to the gentile's possession as collateral, since the prohibition of leavened bread abrogates the lien (Rambam *Sefer Mishpatim*, *Hilkhot Malve VeLoveh* 18:6; *Shulhan Arukh*, *Orah Hayyim* 441:1).

Liberation of a slave abrogates the lien – שִׁחְרוּר מִפְקִיעַ – If a slave was mortgaged as designated repayment for his master's debt and was then liberated by his master, this abrogates the lien, and he is a free man (Rambam *Sefer Kinyan*, *Hilkhot Avadim* 8:16; *Shulhan Arukh*, *Yoreh De'a* 267:68, *Hoshen Mishpat* 117:6).

And these are tasks that a wife must perform – וְאֵלּוּ מְלָאכּוֹת שְׂהָאִשָּׁה עוֹשָׂה – There are some household tasks that a woman must perform for her husband if they are poor: Supervising the grinding of the wheat, baking, cooking, washing clothes, and nursing her child, in accordance with the mishna (Rambam *Sefer Nashim*, *Hilkhot Ishut* 21:5; *Shulhan Arukh*, *Even HaEzer* 80:6).

Makes her husband's bed – מִצַּעֵת לוֹ הַמָּטָה – A woman is obligated to make her husband's bed. The Rema writes that some say that she is obligated to make all the beds in the house, in accordance with the opinion of the *Maggid Mishne* and the Ran (Rambam *Sefer Nashim*, *Hilkhot Ishut* 21:3; *Shulhan Arukh*, *Even HaEzer* 80:4).

Makes thread from wool – עוֹשָׂה בְּצִמְרָא – A woman is obligated to perform tasks that will help sustain her family, in accordance with the custom of her country. If it is the custom for women to weave, she must weave, and if they embroider, she must embroider or spin wool. If it is not the local custom for women to perform these tasks, he can compel her only to spin wool,

in accordance with the mishna (Rambam *Sefer Nashim*, *Hilkhot Ishut* 21:1; *Shulhan Arukh*, *Even HaEzer* 80:1).

If she brought him one maidservant – הַכְּנִיסָה לוֹ שִׁפְחָה אַחַת – If a woman brought her husband one maidservant, or property with which to purchase one maidservant, she does not need to supervise the grinding of wheat. She also need not bake, wash clothes or place straw before her husband's animal, in accordance with the mishna (Rambam *Sefer Nashim*, *Hilkhot Ishut* 21:6; *Shulhan Arukh*, *Even HaEzer* 80:7).

If she brought him two maidservants – הַכְּנִיסָה לוֹ שְׁתֵּי שִׁפְחוֹת – If a woman brought him two maidservants, she does not need to cook or to nurse her child, in accordance with the mishna (Rambam *Sefer Nashim*, *Hilkhot Ishut* 21:6; *Shulhan Arukh*, *Even HaEzer* 80:8).

If she brought him three maidservants – הַכְּנִיסָה לוֹ שְׁלֹשׁ שִׁפְחוֹת – If she brought him three maidservants she needs only to make her husband's bed (Ran, citing Rema). Some commentaries say that she needs only to prepare the sheets on his bed, as this is an act of intimacy (*Tur*). The Rambam and the *Shulhan Arukh* do not cite this *halakha*, as they decided in accordance with Rabbi Eliezer, and do not maintain a distinction between making her husband's bed and making other beds (Rambam *Sefer Nashim*, *Hilkhot Ishut* 21:6 and *Kesef Mishne* there; *Shulhan Arukh*, *Even HaEzer* 80:8).

NOTES

He can compel her to make thread from wool – **בּוֹפָה** – **לַעֲשׂוֹת בְּצֻמָּר**: A number of commentaries write that he cannot compel her to make the required amount that other women must make, but only enough so that she will not be totally idle (Rashba; Ritva). There is also a dispute among the early authorities with regard to whether her earnings in this case belong to her or to her husband.

A wife is only for beauty – **אֵין אִשָּׁה אֶלָּא לְיוֹפִי** – *Tosafot* comment that apparently Rabbi Ḥiyya disagrees with the ruling in the mishna only with respect to tasks that could affect a woman's beauty or refinement, such as grinding or baking, but not tasks like making thread from wool. According to *Melo HaRa'aim*, the expression: A wife is only for children, means that a woman should not nurse her baby, since doing so will delay her ability to become pregnant again. According to this interpretation, there is a difference between the statement that a wife is for beauty and the statement that a wife is for children. Others say the opposite: According to the opinion that a wife is for beauty then she does not nurse, whereas according to the opinion that a wife is for children she must also nurse her children (*Hever ben Haiyim*).

BACKGROUND

Hand mill – **רִיתָא דִּידָא**: Hand mills were commonly used in ancient times by women, who would grind grain into flour for household use. The grain was placed in the opening on the top piece and the mill would be turned with the handle while the bottom part stayed still.

When a large amount of flour was needed, it was ground in a large mill that was rotated by water pressure or animals. Although with extreme effort people could also rotate these mills (see Judges 16:21), it is not plausible that such difficult work was done by women.



Hand mill

רבי אליעזר אומר: אפילו הכניסה לו מאה שפחות – **בּוֹפָה לַעֲשׂוֹת בְּצֻמָּר**, שֶׁהַבְּטָלָה מְבִיאָה לְיָדֵי זִמְתָּה. רַבִּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אומר: אִף הַמְדִיר אֶת אִשְׁתּוֹ מִלַּעֲשׂוֹת מְלָאכָה – יוֹצֵא וְיָתֵן כְּתוּבָה, שֶׁהַבְּטָלָה מְבִיאָה לְיָדֵי שִׁיעֻמוֹם.

גַּמ' טוֹחֶנֶת סֶלֶקָא דַּעֲתָךְ? אֶלָּא אֵימָא: מִטְחָנָתָּה. וְאֵיבַעֲיַת אֵימָא: בְּרִיחָא דִּידָא.

מתניתין דלא ברבי חיאי. דתני רבי חיאי: אין אשה אלא ליופי, אין אשה אלא לבנים, ותני רבי חיאי: אין אשה אלא לתכשיטי אשה. ותני רבי חיאי: הרוצה שיעדן את אשתו – ילבישנה כלי פשתן, הרוצה שילבין את בתו – יאכילנה אפרוחים, וישקנה חלב סמוך לפירקה.

”וּמְנִיקָה אֶת בְּנָהּ”. לֵימָא מִתְנִיתִין דְּלָא כְּבֵית שַׁמַּאי, דְּתַנָּא: נָדְרָה שְׁלֵא לְהֵנִיק אֶת בְּנָהּ, בֵּית שַׁמַּאי אומר: שוֹמֵטת דָּד מִפּוֹי, בֵּית הִלֵּל אומר: בּוֹפָה וּמְנִיקָתוֹ. נִתְגַּרְשָׁה – אֵינוֹ בּוֹפָה. וְאִם הָיָה מְכִירָה – נוֹתֵן לָהּ שְׂכָרָה, וּבּוֹפָה וּמְנִיקָתוֹ, מִפְּנֵי הַסְּכָנָה.

Rabbi Eliezer says: Even if she brought him a hundred maid-servants, he can compel her to make thread from wool,^{NH} since idleness leads to licentiousness. Consequently, it is better for a woman to be doing some kind of work. Rabban Shimon ben Gamliel says: Even one who vows that his wife is prohibited from doing any work^H must divorce her and give her the payment for her marriage contract, since idleness leads to idiocy.

GEMARA With regard to the mishna's choice of terminology the Gemara asks: Could it enter your mind that she grinds the wheat into flour? Ordinarily, grinding is performed in a mill using millstones that are rotated by water or by animals, so the woman herself does not actually grind the wheat. The Gemara answers: Rather, say that she supervises the grinding^H by bringing wheat to the mill and ensuring that it is ground properly. Alternatively, if you wish, say instead: She can grind the wheat herself with a hand mill.^B

The Gemara comments: The mishna is not in accordance with the opinion of Rabbi Ḥiyya, as Rabbi Ḥiyya teaches: A wife is only for beauty,^N and a wife is only for children, but not for household tasks. And Rabbi Ḥiyya teaches: A wife is only for wearing a woman's finery. And Rabbi Ḥiyya similarly teaches: One who wishes to beautify his wife should clothe her in linen garments, and one who wishes to whiten his daughter so that she will have a fair complexion, should feed her young chickens, and should give her milk to drink toward the time of her maturity.

§ The mishna mentions among a wife's obligations that she nurses her child. The Gemara suggests: Let us say that the mishna is not in accordance with the opinion of Beit Shammai, as it is taught in a *baraita*: If a woman took a vow not to nurse her child,^H Beit Shammai say: Since she vowed, she must remove her nipple from his mouth and not nurse him. Beit Hillel say: Her husband can compel her, and she must nurse the child even against her will. However, if she was divorced and therefore had no further obligations to her husband, he cannot compel her.^H Nevertheless, if the baby recognized her, then even after the divorce, her husband may pay her a salary as a wet nurse and compel her to nurse due to the danger that the child will starve if he refuses to nurse from another woman. This *baraita* indicates that according to Beit Shammai a woman has no obligation to nurse her child. If she had a prior obligation to her husband to nurse the child, the vow would not take effect.

HALAKHA

בּוֹפָה לַעֲשׂוֹת – He can compel her to make thread from wool – **בְּצֻמָּר**: Even if a woman brought her husband a hundred maid-servants, she cannot remain completely idle and not perform any tasks. However, he cannot compel her to work all day, but only enough to prevent her from being idle, which could lead her to licentiousness, in accordance with the opinion of Rabbi Eliezer (Rambam *Sefer Nashim, Hilkhot Ishut* 21:2; *Shulḥan Arukh, Even HaEzer* 80:2).

One who vows that his wife is prohibited from doing any work – **הַמְדִיר אֶת אִשְׁתּוֹ מִלַּעֲשׂוֹת מְלָאכָה** – One who vows that his wife should not do work must divorce her and give her the payment for her marriage contract, since idleness leads to licentiousness. As explained in the Gemara (61b), this is in accordance with the opinion of Rabbi Eliezer, as opposed to that of Rabbi Shimon ben Gamliel (Rambam *Sefer Nashim, Hilkhot Ishut* 21:3; *Shulḥan Arukh, Even HaEzer* 80:3).

She supervises the grinding – **מִטְחָנָתָּה**: How does a woman supervise the grinding? She sits in the millhouse and sifts the flour or drives the animal doing the grinding. If it was the custom

to grind wheat with a hand mill she must use one, according to both opinions in the Gemara, which are not in dispute with one another (Rambam *Sefer Nashim, Hilkhot Ishut* 21:5; *Shulḥan Arukh, Even HaEzer* 80:6).

נָדְרָה שְׁלֵא לְהֵנִיק אֶת בְּנָהּ – Took a vow not to nurse her child – If a woman vows not to nurse her child, she may be compelled to nurse him, in accordance with Beit Hillel's opinion (Rambam *Sefer Nashim, Hilkhot Ishut* 21:13; *Shulḥan Arukh, Even HaEzer* 82:1).

נִתְגַּרְשָׁה אֵינוֹ בּוֹפָה – If she was divorced he cannot compel her – If a woman was divorced she cannot be compelled to nurse her child. If she wishes, her ex-husband can pay her wages as a wet nurse, and if not, she can give the child to him and he must take care of him. If the child knew his mother, and according to some opinions (Rema, citing *Tur*), if he did not want to nurse from others, she can be compelled to nurse him, due to the possible danger involved to the child, and her ex-husband must pay her a salary (Rambam *Sefer Nashim, Hilkhot Ishut* 21:16; *Shulḥan Arukh, Even HaEzer* 82:5).

אפילו תימא בית שמאי, הכא במאי עסקינן – בגון שנדרה היא וקיים לה הוא. וקסברי בית שמאי: הוא נותן אצבע בין שיניה. ובית הלל סברי: היא נתנה אצבע בין שיניה.

The Gemara rejects this suggestion: **Even if you say that the mishna is also in accordance with the opinion of Beit Shammai, here we are dealing with a case where she made this vow and her husband ratified it for her by refraining from nullifying it. Beit Shammai maintain that in that case it is considered as if he had placed his finger between her teeth, i.e., he caused the vow to be in effect, meaning that in that case the responsibility lies with him.** Since he declined the opportunity to nullify the vow, her obligation to nurse is canceled. **Beit Hillel maintain that in that case she put her finger between her own teeth, i.e., she caused the vow to remain in effect.** Consequently, although he ratified her vow, the responsibility rests on her, and for this reason her obligation is not annulled.

ונפלו בכתובה בעלמא! ועוד, תנא, בית שמאי אומרים: אינה מניקה. אלא מחוורתא, מתניתין דלא בבית שמאי.

The Gemara asks: If so, that the dispute is about who is responsible when a woman vows and her husband ratifies the vow, and it is not specifically about her obligation to nurse her child, then **let them dispute about a marriage contract in general**, with regard to whether or not a woman is entitled to payment for her marriage contract if she vows to prohibit her husband from deriving benefit from her. **And furthermore, it is taught in a baraita that Beit Shammai explicitly say with regard to all women, not specifically in the context of vows: She does not need to nurse if she does not want to. Rather, it is clear that the mishna is not in accordance with the opinion of Beit Shammai.**

”אם היה מכירה.”

The Gemara above quotes a *baraita* where it is taught that if the baby **recognized her**, her husband can compel her to continue nursing even after she is divorced, but he must pay her for nursing.

Perek V

Daf 60 Amud a

עד כמה? אמר רבא אמר רב ירמיה בר אבא אמר רב: שלשה חדשים, ושמואל אמר: שלשים יום, ורבי יצחק אמר רבי יוחנן: חמשים יום, אמר רב שימי בר אבוי: הלכה כרבי יצחק שאמר משום רבי יוחנן. בשלמא רב ורבי יוחנן – כל חד תוד כי חורפיה. אלא לשמואל, כי האי גוונא מי משבחה לה?

The Gemara asks: **How old** does the child have to be^h so that one can assume that he already recognizes his mother? **Rava said that Rav Yirmeya bar Abba said that Rav said: Three months, and Shmuel said: Thirty days, and Rabbi Yitzhak said that Rabbi Yoḥanan said: Fifty days. Rav Shimi bar Abaye said: The halakha is in accordance with what Rabbi Yitzhak said in the name of Rabbi Yoḥanan.** The Gemara asks: **Granted, Rav and Rabbi Yoḥanan are in dispute with regard to the difference between fifty days and three months, as it is possible that each baby varies according to its intelligence, as one baby is sufficiently developed at fifty days, while another knows his mother at only three months. However, according to Shmuel, can you find a case like this, a one-month-old baby who recognizes his mother?**

כי אתא רמי בר יחזקאל אמר: לא תציתניהו להנן כללי דבייל יהודה אחי משמיה דשמואל. הכי אמר שמואל: כל זמן שמכירה.

The Gemara relates: **When Rami bar Yeḥezkel came from Eretz Yisrael, he said: Do not listen to, i.e., do not accept, those principles that my brother Yehuda said in the name of Shmuel, as Shmuel did not establish a particular time with regard to this matter. Rather, this is what Shmuel said: Whenever he recognizes her,^b i.e., there is no fixed age at which this occurs. One must check each baby to see whether he recognizes his mother.**

BACKGROUND

כי זמן שמכירה – There are several stages of human recognition observed among babies. According to contemporary studies, a newborn can recognize his mother's voice, a capability acquired in the womb, and his mother's scent. At the age of approximately one month an infant begins to demonstrate a certain level of recognition of other people. At about eight weeks a baby may demonstrate

signs of interest and affection toward people he recognizes, and his preference for his mother stands out significantly from about six months. These general parameters vary to some extent from child to child; some develop slightly earlier and some later. This type of recognition is present in blind children as well, primarily through the sense of smell.

HALAKHA

עד כמה? If a child has begun to nurse from his mother, one cannot separate him from her due to the possible danger involved. There is no precise stage at which this applies, as it depends on whether the child recognizes his mother, in accordance with the opinion of Shmuel as quoted by Rami bar Yeḥezkel. There are, however, authorities who rule in accordance with Rabbi Yitzhak, following the ruling of the Gemara (Rif; Rosh). The Rema writes that some authorities maintain that if a child began to nurse from a wet nurse, she can be compelled to continue to nurse him if he recognizes her and resists nursing from another woman (Rambam *Sefer Nashim, Hilkhhot Ishut* 21:16; *Shulḥan Arukh, Even HaEzer* 82:5).