

“אז הייתי בעיניו כמוצאת שלום.” אמר רבי יוחנן: ככלה שנמצאת שלמה בבית חמיה, ורדופה לילך ולהגיד שבחה בבית אביה.

Once the Gemara has mentioned the idea of a woman who is eager to return to her father's house, it discusses another context where a similar idea is mentioned. Concerning the verse “Then I was in his eyes as one that found peace” (Song of Songs 8:10), Rabbi Yohanan said: The meaning is: Like a bride who is considered perfect in her father-in-law's house, and is eager to go and relate her praise in her father's house, to tell how many complimentary things were said about her by her husband's family.

“והיה ביום ההוא נאום ה' תקראי אישי ולא תקראי לי עוד בעלי.” אמר רבי יוחנן: ככלה בבית חמיה, ולא ככלה בבית אביה.

Similarly, concerning the verse “And it shall be on that day, says the Lord, that you will call Me: My Husband [Ishi], and you will no longer call Me: My Master [Ba'ali]” (Hosea 2:18), Rabbi Yohanan said: The meaning is: Like a bride in her father-in-law's house after she has already lived with her husband, whom she is consequently not ashamed to call her marriage partner, and not like a betrothed bride still in her father's house, who simply refers to her groom as: My master.

“המדיר את אשתו” וכו'. בשלמא לבית המשתה

§ The mishna states: One who vows and obligates his wife not to go to a house of mourning or to a house of feasting for a wedding, must divorce her and give her the payment of her marriage contract, because it is as if he were locking a door in front of her. The Gemara asks: Granted, when he forbids her from going to a house of feasting,

Perek VII  
Daf 72 Amud a

HALAKHA

He who eulogizes others, people will eulogize him – דקפד יקפדינהו: Every woman has the right to go out to her father's house to visit, or to a house of mourning or feasting, in order to perform acts of kindness for her friends and relatives so that they will do the same for her, in accordance with the Gemara here (Rambam *Sefer Nashim, Hilkhot Ishut* 13:11).

We said so only with regard to a case where a presumption has been established – לֹא אִמְרוֹן אֵלָא דְאִיתְתֵּיק – A man vows and obligates his wife not to go to a house of mourning or feasting and claims that he did so because there are promiscuous individuals there. If there is a presumption that such individuals are found there, his claim is accepted; if not, then he is not believed (Rambam *Sefer Nashim, Hilkhot Ishut* 13:13; *Shulhan Arukh, Even HaEzer* 74:6).

איכא נועל בפניה. אלא לבית האכל – מאי נועל בפניה איכא? תנא: למחר היא מתה ואין כל בריה סופרה. ואיכא דאמרי: אין כל בריה סופנה.

there is effectively an act of locking a door in front of her by withholding from her any possibility of rejoicing, but when he forbids her from going to a house of mourning, what locking of a door in front of her is there? He taught: In the future she too will die, and no person will eulogize her or take care of her, just as she did not do so for others. And some say: No person will value her or pay attention to her, since a person who does not visit the sick or console mourners cuts himself off from others.

תנא, היה רבי מאיר אומר: מאי דכתיב “טוב ללכת אל בית אבל מלכת אל בית משתה באשר הוא סוף כל האדם והחי יתן אל לבו” – מאי “והחי יתן אל לבו” – דברים של מיתה; דספד – יקפדינהו, דקבר – יקפדינהו, דידל – ידלוגינהו, דלואי – ילוגינהו, דטען – יטענונינהו.

Similarly, it is taught in a *baraita*: Rabbi Meir used to say: What is the meaning of that which is written: “It is better to go to a house of mourning than to go to a house of feasting, since that is the end of all men, and the living will take it to heart” (Ecclesiastes 7:2)? What does “and the living will take it to heart” mean? It means that they will take matters relating to death to heart, realizing that they too will eventually die. He who eulogizes others, people will eulogize him;<sup>h</sup> he who buries someone, people will bury him; he who lifts others to bring them to burial, people will similarly lift him to bring him to burial; he who escorts others out for burial, people will similarly escort him; he who carries others, others will carry him. Therefore, one who does not come to a house of mourning to comfort the bereaved will himself not be treated with proper dignity when he dies.

“ואם היה טוען משום דבר אחר רשאי.” מאי דבר אחר? אמר רב יהודה אמר שמואל: משום בני אדם פרוצין שמעוין שם. אמר רב אשי: לא אמרון אלא דאיתתוק, אבל לא איתתוק – לא כל כמיניה.

§ The mishna stated: And if he claimed he forbade her due to something else, he is permitted to do so. The Gemara asks: What is meant by something else? Rav Yehuda said that Shmuel said: He claims he did so due to promiscuous individuals that are commonly found there, and he does not want his wife to be among them. Rav Ashi said: We said that he may forbid her only with regard to a case where a presumption has been established<sup>h</sup> that promiscuous people frequent this location, but if no such presumption has been established, it is not in his power to say he is concerned about it.

Due to that reason he must divorce her – משום הכי – Most commentaries explain that this demand constitutes grounds for the wife to demand a divorce, because she can claim she wants children so that they can support her in her old age. However, the Ra'avad is quoted as saying that he must divorce her because the prohibition against destroying seed applies to women as well. The question of a woman's responsibility with regard to the prohibition against destroying seed has been dealt with extensively by halakhic authorities in the context of contraception.

”ואם אמר לה על מנת שתאמרי.” ותימא! אמר רב יהודה אמר שמואל: דברים של קלון.

**S** The mishna stated: **And if he said to her:** The vow will be void on condition that you tell<sup>h</sup> so-and-so what you told me, or what I told you, he must divorce her and give her the payment of her marriage contract. The Gemara asks: **And let her say it.** Why shouldn't she simply comply with his wishes? **Rav Yehuda said that Shmuel said:** It is referring to **degrading matters**, meaning intimate conversations between husband and wife, which she is ashamed to relate in the presence of others.

”או שתהא ממלאה ומערה לא שפה.” ותיעביד! אמר רב יהודה אמר שמואל: שתמלא ונופצת. במתניתא תנא: שתמלא עשרה כדי מים ותערה לא שפה.

The mishna stated: **Or he said the vow will be void on condition that she fill something up and pour it into the refuse.** The Gemara asks: **And let her do it.** **Rav Yehuda said that Shmuel said:** The mishna's intention is that he demanded that she fill herself up and then shake herself out.<sup>h</sup> This is a euphemistic way of saying that the husband wants her to take measures to prevent herself from becoming pregnant, and she is permitted to protest this. **It was taught in a baraita:** The case is that he told her to fill up ten jugs of water<sup>h</sup> and pour them into the refuse, a task that involves pointless effort and appears foolish.

בשלמא לשמואל – משום הכי יוציא ויתן כתובה. אלא למתניתא – מאי נפקא לה מינה? תיעביד! אמר רבה בר בר חנה אמר רבי יוחנן: מפני שגראית בשוטה.

The Gemara asks: **Granted that according to Shmuel**, who explains that the mishna is referring to a case where the husband insists that she not become pregnant, **due to that reason he must divorce her<sup>n</sup> and give her the payment of her marriage contract.** **But according to the baraita**, which explains that he simply wants her to engage in pointless work, **what difference does it make to her? Let her do it.** **Rabba bar bar Ḥanna said that Rabbi Yoḥanan said:** Because she would appear insane if she were to perform pointless actions, she may therefore demand a divorce.

אמר רב כהנא: המדיר את אשתו שלא תשאול ושלא תשאיל נפה וכברה וריחים ותנור – יוציא ויתן כתובה, שמשאיה שם רע בשכנותיה.

**Rav Kahana said:** One who vows and obligates his wife not to borrow or not to lend utensils that people generally lend, such as a sifter, or a sieve, or a mill, or an oven, must divorce her and give her the payment of her marriage contract, since by making such rules he causes her to develop a bad reputation among her neighbors, who will suspect her of stinginess or haughtiness.

תניא נמי הכי: המדיר את אשתו שלא תשאול ושלא תשאיל נפה וכברה, ריחים ותנור – יוציא ויתן כתובה, מפני שמשאיה שם רע בשכנותיה. וכן היא שגורה שלא תשאול ושלא תשאיל נפה וכברה וריחים ותנור ושלא תארוג בגדים נאים לבניו – תצא שלא בכתובה, מפני שמשאיה שם רע בשכנותיה.

The Gemara notes: **That opinion is also taught in a baraita:** One who vows and obligates his wife not to borrow or not to lend<sup>h</sup> a sifter, or a sieve, or a mill, or an oven, must divorce her and give her the payment of her marriage contract, since he causes her to develop a bad reputation among her neighbors. And similarly, if it is she who vowed not to borrow or not to lend a sifter, or a sieve, or a mill, or an oven, or that she will not weave nice garments for his children, she may be divorced without payment of her marriage contract. This too is because she causes him to develop a bad reputation among his neighbors, as they will link her behavior to him and think that he instructed her to act this way.

#### HALAKHA

**On condition that you tell** – על מנת שתאמרי – If one vows and obligates his wife to reveal to others matters of jocularity or frivolity that he said to her or that she said to him during sexual intercourse, he must divorce her and give her the payment of her marriage contract, since she would not be crude enough to tell others such disgraceful things (Rambam *Sefer Nashim*, *Hilkhot Ishut* 14:5; *Shulḥan Arukh*, *Even HaEzer* 76:12).

**That she fill herself up and then shake herself out** – שתמלא ונופצת: If a husband vows and obligates his wife to turn over after sexual intercourse so as not to conceive, he must divorce her and give her the payment of her marriage contract, in accordance with the opinion of Shmuel (*Tur*, *Even HaEzer* 76).

**To fill up ten jugs of water, etc.** – שתמלא עשרה כדי מים וכו' – One who vows and obligates his wife to perform foolish acts, such as filling up ten pitchers of water and then spilling them out, must divorce her and give her the payment of the marriage contract, in accordance with the *baraita* (Rambam *Sefer Nashim*, *Hilkhot Ishut* 14:5; *Shulḥan Arukh*, *Even HaEzer* 76:12).

**Not to borrow or not to lend** – שלא תשאול ושלא תשאיל – One who vows and obligates his wife not to borrow or not to lend to others utensils that are generally lent out, must divorce her and give her the payment of her marriage contract, because he gives her a bad name (Rambam *Sefer Nashim*, *Hilkhot Ishut* 13:10; *Shulḥan Arukh*, *Even HaEzer* 74:3).

And these are examples of women who may be divorced – וְאֵלוּ יוֹצְאוֹת שְׁלֹא בְּכַתּוּבָה: The majority of halakhic authorities believe that a husband is not obligated to divorce his wife for violating these precepts. Rather, it is his choice whether to divorce her without payment of her marriage contract or to maintain her as his wife. However, the Ra'avad and the Rosh hold that there is in fact a mitzva to divorce her.

And who is categorized as a woman who violates the precepts of Moses – וְאִיזוּהָ הִיא דֵּת מֹשֶׁה: The definitions in this mishna demonstrate that although the entire Torah is considered the precepts of Moses, nevertheless, the husband may not divorce his wife simply because she transgresses prohibitions. Rather, he may do so only if her transgressions affect him and their married life together. Therefore, permission to divorce her without payment of her marriage contract is viewed not as a penalty for her transgressions, but rather as a result of the fact that she made it impossible for them to live together. See *Kovetz Shiurim*, where it says that if the husband also habitually violates prohibitions or eats forbidden foods this is not grounds for divorce, since in this case her actions do not damage their life together.

So-and-so the priest – פְּלוֹנִי כֹהֵן: The term priest here is not specific, since technically anyone can separate tithes. However, it was customary for the priest to separate the tithes and then take his portion, and therefore this is the case suggested by the Gemara (Rivan; see also Rashash).

## BACKGROUND

**Halla** – חֲלָה: The Torah commands the separation of a portion of dough, which is given to the priests (Numbers 15:20). This portion is called *halla* and is governed by all the *halakhot* pertaining to *teruma*, the portion of produce set aside for the priests. *Halla* must be taken from all dough made from any of the five types of grain, provided that the quantity of flour is at least one-tenth of an ephah in volume. If *halla* is not taken, the dough has the status of *tevel*, similar to untithed produce, and may not be eaten. The Torah does not specify a measure for *halla*. However, the Sages required an individual baking for personal use to give one twenty-fourth of his dough as *halla*, and a commercial baker to give one forty-eighth.

Nowadays, as all Jews have the status of being ritually impure, *halla* is governed by *halakhot* similar to impure *teruma*; it must be burned. Accordingly, the measures mentioned above no longer apply. Only a small portion is separated from the dough and burned, and the rest of the dough may then be used. A blessing is recited for the separation of *halla*. The *halakhot* of this mitzva, which is one of the mitzvot performed particularly by women, are discussed comprehensively in tractate *Halla*.

מִתְנִי' וְאֵלוּ יוֹצְאוֹת שְׁלֹא בְּכַתּוּבָה: הָעוֹבֵרֶת עַל דֵּת מֹשֶׁה וְיִהוּדִית. וְאִיזוּ הִיא דֵּת מֹשֶׁה – מֵאֲכִילָתוֹ שְׂאִינוּ מְעוֹשֵׁר, וּמְשֻׁמְשֵׁתוֹ נְדָה, וְלֹא קוֹצֵה לָּהּ חֲלָה, וְנוֹדֶרֶת וְאִינָהּ מְקַיְיֶמֶת.

וְאִיזוּהָ דֵּת יִהוּדִית – יוֹצֵאָהּ וְרֹאשָׁהּ פְּרוּעָה, וְטוֹוָה בְּשׂוּק, וּמְדַבֵּרֶת עִם כָּל אָדָם. אֲבָא שְׁאֵוֵל אוֹמֵר: אַף הַמְקַלְלֵת יוֹלְדֵי בְּפִנְיָ. רַבִּי טַרְפוֹן אוֹמֵר: אַף הַקּוֹלְמֵת. וְאִיזוּהָ קוֹלְמֵת – לְבִשְׁהָיָא מְדַבֵּרֶת בְּתוֹךְ בֵּיתָהּ וּשְׂכִינֵיהָ שׁוֹמְעֵין קוֹלָהּ.

גַּמ' "מֵאֲכִילָתוֹ שְׂאִינוּ מְעוֹשֵׁר". הִיכִי דְמִי? הִיכִי דְמִי? אִי דִידְעָ – נִפְרוּשׁ, אִי דְלֹא יָדַע – מְנַא יָדַע? לֹא צְרִיכָא, דְאִמְרָה לִיה: פְּלוֹנִי כֹהֵן תִּיקוֹן לִי אֶת הַכֹּהֵן, וְאִוִּיל שְׂוִילֵיהּ, וְאֶשְׁתַּבַּח שִׁיקְרָא.

וּמְשֻׁמְשֵׁתוֹ נְדָה". הִיכִי דְמִי? אִי דִידְעָ – נִפְרוּשׁ, אִי דְלֹא יָדַע – נִסְמוּךְ עִילוּהּ. דְאִמְרוּ רַב חִינְנָא בְּרַב כְּהֵנָּא אָמַר שְׂמוּאֵל: מִנּוּן לְנֶדָה שְׂסוּפְרָת לְעִצְמָהּ – שְׁנַאֲמַר וְסִפְרָה לָּהּ שִׁבְעַת יָמִים" לָּהּ – לְעִצְמָהּ!

**MISHNA** And these are examples of women who may be divorced<sup>N</sup> without payment of their marriage contract: A woman who violates the precepts of Moses, i.e., *halakha*, or the precepts of Jewish women, i.e., custom.<sup>H</sup> The Mishna explains: And who is categorized as a woman who violates the precepts of Moses?<sup>N</sup> This includes cases such as when she feeds him food that has not been tithed, or she engages in sexual intercourse with him while she has the legal status of a menstruating woman, or she does not separate a portion of dough to be given to a priest [*halla*],<sup>B</sup> or she vows and does not fulfill her vows.

And who is considered a woman who violates the precepts of Jewish women? One who, for example, goes out of her house, and her head, i.e., her hair, is uncovered; or she spins wool in the public marketplace; or she speaks with every man she encounters. Abba Shaul says: Also one who curses his, i.e., her husband's, parents in his presence. Rabbi Tarfon says: Also a loud woman. And who is defined as a loud woman? When she speaks inside her house and her neighbors hear her voice.

**GEMARA** The mishna stated: She feeds him food that has not been tithed. The Gemara attempts to clarify: What are the circumstances of the case under discussion? If he knows that the food is untithed, he should abstain and not eat it. And if he does not know that the food is untithed, then how does he know that she in fact fed him such food, so that he can divorce her? The Gemara responds: No, it is necessary when she tells him: So-and-so the priest<sup>N</sup> rectified<sup>H</sup> the pile of grain for me by tithing it, and he then went and asked the priest whether he did so, and it was found to be a lie. It is therefore clear that she did not tithe the food before she served it to him.

§ The mishna stated: Or she engages in sexual intercourse with him while she has the status of a menstruating woman. The Gemara asks: What are the circumstances? If he knows about her that she is a menstruating woman, he should abstain. And if he does not know, then he should rely on her. Because Rav Hinnana bar Kahana said that Shmuel said: From where is it derived that a menstruating woman can count the days for herself, and that she is trusted to testify that she did so? As it is stated: "Then she shall count to herself seven days" (Leviticus 15:28). "To herself" means by herself, and she may be trusted that she did so. If so, why can't the husband trust his wife that she is not a menstruating woman?

## HALAKHA

A woman who violates the precepts of Moses or the precepts of Jewish women – הָעוֹבֵרֶת עַל דֵּת מֹשֶׁה וְיִהוּדִית: A woman who violates the precepts of Moses, meaning that she directly causes her husband to violate a prohibition, such as feeding him forbidden food or engaging in sexual intercourse with him while she has the status of a menstruating woman, may be divorced without receiving payment of her marriage contract. This rule applies only when witnesses verify that she is guilty of one of these actions. If she denies it and there are no witnesses, the husband's word alone is not relied upon, in accordance with the Rosh, citing the Jerusalem Talmud. Others disagree, however, and hold that reasonable proof is sufficient even without witnesses, in accordance with the opinion of the Rambam. Additionally, one who violates the precepts of Jewish women

and acts in a manner considered immodest by Jewish women, or who shames her husband's family members, may also be divorced without receiving payment of the marriage contract, in accordance with the mishna (Rambam *Sefer Nashim*, *Hilkhot Ishut* 24:10–11; *Shulhan Arukh*, *Even HaEzer* 115:1, 4).

So-and-so the priest rectified, etc. – פְּלוֹנִי כֹהֵן תִּיקוֹן וְכוּ': How does a man know that his wife fed him untithed food? Such as when she said to him: So-and-so the priest rectified the grain by separating the tithes, and it was found that the priest was not there. The opinion recorded in the *Shulhan Arukh* is that this applies only when the matter has been proven by witnesses (Rambam *Sefer Nashim*, *Hilkhot Ishut* 24:10–11; *Shulhan Arukh*, *Even HaEzer* 115:1, 4).

She is known by her neighbors to be a menstruating woman – **הוֹחֲזָקָה נְדָה בְּשִׁכְנוּתֶיהָ**: It is possible that her neighbors know the set pattern of her menstrual cycle. Moreover, it was customary that a menstruating woman would wear special clothing during that time, and it is possible that her neighbors would have noticed this (Rivan).

## HALAKHA

She is known by her neighbors to be a menstruating woman – **הוֹחֲזָקָה נְדָה בְּשִׁכְנוּתֶיהָ**: If a woman's neighbors saw her wearing special clothing reserved for when she is menstruating, she is presumed to be a menstruating woman. If her husband had relations with her intentionally during this time, he is flogged for violating the prohibition against cohabiting with a menstruating woman. And if she said: I am pure, and he had relations with her, and later it became clear that she had in fact already become a menstruating woman, he may divorce her without payment of her marriage contract (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 1:22; *Shulhan Arukh, Even HaEzer* 115:2).

## BACKGROUND

**Kefifa** – **כַּפִּיפָה**: The *kefifa*, often called an Egyptian *kefifa*, was a kind of basket woven from palm leaves, sometimes made with handles. It was frequently used for storing items or filtering drinks. Sometimes animals were fed from a *kefifa* that was hung from their necks. It seems that in this case living snakes were placed in the *kefifa* in order to store them, giving rise to the expression: A person cannot reside in a basket with a snake. Even today, in some countries, snake charmers keep their snakes in baskets, which reflects the aforementioned ancient practice.



Snake charmer's snakes in baskets

לֹא צְרִיכָא, דְּאִמְרָה לִיה: פְּלוּנִי חָכֵם טִיְהֵר לִי אֶת הַדָּם, וְאִזְלִי שִׁיְלִיָּה וְאִשְׁתַּכַּח שִׁיקְרָא. וְאִיבְעִית אִימָא, כְּדָרְבַּי יְהוּדָה. דְּאִמְרוּ רַב יְהוּדָה: הוֹחֲזָקָה נְדָה בְּשִׁכְנוּתֶיהָ – בְּעֵלָהּ לֹאֲקָה עָלֶיהָ מִשּׁוּם נְדָה.

The Gemara answers: No, it is necessary when she tells him: So-and-so the Sage purified the blood for me by ruling that it did not qualify as menstrual blood, and he went and asked him, and it was found that her claim was a lie. And if you wish, say instead that this is similar to that which Rav Yehuda said, as Rav Yehuda stated: If she is known by her neighbors to be a menstruating woman,<sup>NH</sup> her husband is flogged if he has relations with her, due to the prohibition against cohabiting with a menstruating woman. In this case, she was known by her neighbors to be a menstruating woman, but she had not told her husband. She then engaged in sexual intercourse with him, and he subsequently discovered her status from her neighbors.

”וְלֹא קוֹצֵה לָהּ חֲלָה”. הֵיכִי דְמִי? אִי דִידְעָ – נְפֹרֵשׁ, אִי דְלֹא יָדַע – מְנָא יָדַע? לֹא צְרִיכָא דְאִמְרָה לִיה: פְּלוּנִי גְבַל תִּיקֵן לִי אֶת הָעִיסָה. וְאִזְלִי שִׁיְלִיָּה וְאִשְׁתַּכַּח שִׁיקְרָא.

§ The mishna stated: Or she does not separate *halla*. The Gemara asks: What are the circumstances? If he knows that she did not separate *halla*, he should abstain. If he does not know, then how does he know about it afterward in order to divorce her? The Gemara answers: No, it is necessary when she tells him: So-and-so the kneader rectified the dough for me by separating *halla*, and he went and asked him, and it was found that her claim was a lie.

”וְנוֹדְרַת וְאִינָה מְקַיֶּמֶת”. דְּאִמְרוּ מַר: בְּעֵזְרֵי נְדָרִים בְּנִים מְתִים, שְׁנַאֲמַר “אֵל תִּתֵּן אֶת פִּיךָ לְחַטֵּא אֶת בְּשָׂרְךָ” וְגו’, וְאִיזוּ הֵן מַעֲשֵׂה יָדָיו שֶׁל אָדָם – הֵיוּ אֹמְרֵי בְּנֵי וּבְנוֹתָיו. רַב נַחְמָן אָמַר: מִהָכָא “לִשְׂוֹא הַבֵּיתִי אֶת בְּנֵיכֶם” לִשְׂוֹא – עַל עֲסָקֵי שְׂוֹא.

§ The mishna also stated: Or she vows and does not fulfill her vows. The Gemara clarifies the reason for this, as it is different from the other cases in the mishna, where she causes her husband to violate a prohibition. In this case it is only she who violates a prohibition. As the Master said: Due to the sin of unfulfilled vows, children die, as it is stated: “It is better not to vow than to vow and not pay. Do not allow your mouth to bring your flesh to sin... why should the Lord become angry at your voice and destroy the work of your hands?” (Ecclesiastes 5:4–5). And what is the work of a person’s hands? You must say it is referring to his sons and his daughters. Rav Nahman said: A proof to the above idea may be brought from here: “In vain I smote your children” (Jeremiah 2:30). The phrase “in vain” means: For matters caused by vain words, meaning that you took a vow and did not fulfill it.

תֵּנָא, הֵיךָ רַבִּי מֵאִיר אֹמְרֵי: כָּל הַיּוֹדֵעַ בְּאִשְׁתּוֹ שֶׁנוֹדְרַת וְאִינָה מְקַיֶּמֶת – יַחְזוֹר וְיִדְרֹגָהּ. יִדְרֹגָהּ? בְּמֵאֵי מִתְקַן לָהּ? אֵלָּא, יַחְזוֹר וְיִקְנֵטְנָה כְּדֵי שֶׁתִּדְּוֹר בְּפָנָיו. וְיַפְרֵי לָהּ. אָמְרוּ לוֹ: אִין אָדָם דְּרַע נַחֲשׁ בְּכַפִּיפָה.

It is taught in a *baraita* that Rabbi Meir used to say: Anyone who knows concerning his wife that she vows and does not fulfill her vows should return and vow to obligate her. The Gemara wonders: He should vow and obligate her? How will he rectify it for her by doing this? Rather, the intention is he should return and provoke her, so that she will vow in his presence and he can then nullify it for her. They said to him: This solution is not effective, because a person does not reside in a basket [*kefifa*],<sup>8</sup> i.e., in close quarters, with a snake, since this is extremely dangerous. Similarly, he cannot constantly prevent her from taking vows, so it would be preferable that he divorce her.

תֵּנָא, הֵיךָ רַבִּי יְהוּדָה אֹמְרֵי: כָּל הַיּוֹדֵעַ בְּאִשְׁתּוֹ שֶׁאִינָה קוֹצֵה לוֹ חֲלָה – יַחְזוֹר וְיַפְרִישׁ אַחֲרֶיהָ. אָמְרוּ לוֹ: אִין אָדָם דְּרַע נַחֲשׁ בְּכַפִּיפָה.

It is taught in a *baraita* similar to the previous one that Rabbi Yehuda used to say: Anyone who knows concerning his wife that she does not separate *halla* for him should go back and separate it after she is finished. They said to him: This solution is not effective, since a person does not reside in a basket with a snake.

מֵאֵן דְּמִתְנִי לָהּ אֵהָא – כָּל שְׂכֵן אֵהָא, אָבַל מֵאֵן דְּמִתְנִי אֵהָא, אָבַל הָא – יִמְנִין דְּמִקְרִי וְאָבַל.

The Gemara discusses the two applications of the idea that a husband should try to correct his wife’s misdeeds: He who teaches it with regard to this, the case of *halla*, all the more so would teach it for that, the case of vows, which are not a daily occurrence. But he who teaches it with regard to that, i.e., the case of vows, teaches it only in that case, but in this case of *halla*, sometimes he will happen to eat untithed produce; and Rabbi Meir holds that he cannot always be careful enough to ensure that *halla* was taken.

”ואיזוהי דת יהודית יוצאה וראשה פרוע“. ראשה פרוע דאורייתא היא, דכתיב ”ופרע את ראש האשה“, ותנא דבי רבי ישמעאל: אזהרה לבנות ישראל שלא יצאו בפרוע ראש! דאורייתא

**S** The mishna stated: **And who is considered a woman who violates the precepts of Jewish women? One who goes out and her head is uncovered.** The Gemara asks: The prohibition against a woman going out with her head uncovered is not merely a custom of Jewish women. Rather, **it is by Torah law, as it is written** with regard to a woman suspected by her husband of having been unfaithful: **“And he shall uncover the head of the woman”** (Numbers 5:18). **And the school of Rabbi Yishmael taught:** From here there is a warning to Jewish women not to go out with an uncovered head, since if the Torah states that a woman suspected of adultery must have her head uncovered, this indicates that a married woman must generally cover her head. The Gemara explains: **By Torah law,**

Perek VII  
Daf 72 Amud b

LANGUAGE

Basket [*kelet*] – קלת: From the Greek κάλαθος, *kalathos*, referring to a basket with a narrow bottom that was used primarily to hold wool or work materials for women.

BACKGROUND

Basket [*kelet*] – קלת: In some parts of the world women are accustomed to carrying objects on their heads in baskets. Some baskets are made for this purpose, and because they cover the top of the head they can therefore be used as a head covering, as can be seen in the image.



Woman wearing a basket on her head

HALAKHA

**From one courtyard to another courtyard, etc.** – מחצר וכו' לתצר וכו': If a married woman goes out to the marketplace, an open alleyway, or a courtyard that many people walk in and her head is covered with only a minimal covering but is not fully covered, she has violated Jewish custom, in accordance with the statement of Abaye (Rambam *Sefer Nashim*, *Hilkhot Ishut* 24:12; *Shulhan Arukh*, *Even HaEzer* 115:4).

קלתה שפיר דמי. דת יהודית – אפילו קלתה נמי אסור.

if she covers her head with her basket [*kilta*],<sup>LBN</sup> it seems well<sup>N</sup> and is sufficient. But by precepts of Jewish women, i.e., custom, even if her head is covered by her basket this is also prohibited; she requires a substantial head covering.

אמר רבי אסי אמר רבי יוחנן: קלתה אין בה משום פרוע ראש. הוי בה רבי זירא: היכא? אילימא בשוק – דת יהודית היא, ואלא בחצר – אם כן לא הנחת בת לאברהם אבינו שיושבת תחת בעלה! אמר אביי ואיתימא רב כהנא: מחצר לחצר, ודרך מבוי.

Rabbi Asi said that Rabbi Yohanan said: If she covers her head with her basket, there is no violation of the prohibition against having an uncovered head. Rabbi Zeira discussed it: Where is the woman that Rabbi Yohanan is referring to? If we say he means that she appears this way in the marketplace, this is a violation of precepts of Jewish women, as explained previously. And if you say rather that he means she appears this way in her own courtyard, if so, you have not allowed any daughter of our father Abraham to remain with her husband, since most women are not careful to cover their heads completely inside their own courtyards. Abaye said, and some say that Rav Kahana said: Rabbi Yohanan is referring to when she walks from one courtyard to another courtyard<sup>H</sup> or via an alleyway. Although these places are not considered public areas, strangers may still be present in them.

NOTES

**Her basket** – קלתה: The *Arukh* explains that in this context the basket is used as a type of head covering. The Rivan elaborates that according to the Gemara the problem with wearing it is that since a basket is not tightly woven, her hair is visible from within.

**If she covers her head with her basket, it seems well** – קלתה שפיר דמי: The Ritva divides the *halakhot* of covering hair into three categories: In a public domain, it is prohibited by Torah law for a married woman to appear with her head uncovered; in an alley or other similar location where people are found, it is sufficient for her to have a minimal covering such as a basket; and in her own courtyard she is technically not obligated to

cover her hair at all. This is also the opinion of *Tosafot* and other authorities.

However, the Rashba and the Baḥ disagree. They hold that even in her own courtyard she requires some form of covering like a basket; in an alleyway or other locations where people sometimes appear, although according to Torah law a basket would suffice, Jewish custom requires her to wear a full head covering; and in a public domain, she is obligated by Torah law to cover her head. The differences of opinion concerning this matter depend upon the precise interpretation of this passage. According to all opinions, however, the modest and pious practice is for a woman to cover her head even at home; the dispute concerns only the strict *halakha* (see *Zohar*, *Naso* 126:4).

**Spins wool in the marketplace – טוֹוֹה בְּשׁוּק** – A woman who spins in the marketplace and reveals her arms while doing so, and according to a responsum of the Rashba she does this on a regular basis; or a woman who spins and holds red thread opposite her face or on her forehead in the manner of licentious women, has violated Jewish custom (Rambam *Sefer Nashim, Hilkhot Ishut* 24:12; *Shulḥan Arukh, Even HaEzer* 115:4).

**She speaks with every man – מְדַבֶּרֶת עִם כָּל אָדָם** – A woman who flirts with young men has violated Jewish custom, in accordance with the statement of Shmuel (Rambam *Sefer Nashim, Hilkhot Ishut* 24:12; *Shulḥan Arukh, Even HaEzer* 115:4).

**A woman who curses his parents – מְקַלְלֵת יוֹלְדָיו** – A woman who curses her husband's father in front of her husband has violated Jewish custom. The Rambam interprets the statement of Rabba slightly differently, as disagreeing with Rav Yehuda, and limits the ruling to this case in accordance with the statement of the former, who is followed since he is the later authority. The Rema writes that some say the same is true for a woman who curses her husband's father to his face, which is Rashi's opinion, or that she curses her husband to his face, which is the opinion of the Rambam (Rambam *Sefer Nashim, Hilkhot Ishut* 24:12; *Shulḥan Arukh, Even HaEzer* 115:4).

**A loud woman – הַקּוֹלֵנִית** – If a woman demands that her husband engage in marital relations with her and is so loud that her neighbors overhear, she has violated Jewish custom, in accordance with the opinion of Rabbi Tarfon as explained by Shmuel (Rambam *Sefer Nashim, Hilkhot Ishut* 24:12; *Shulḥan Arukh, Even HaEzer* 115:4).

## LANGUAGE

**Red [vered]** – יָרֵד – This word and its Greek counterpart *ῥόδον, rhodon*, can also mean rose. It is apparently from the Persian *vard*, meaning red rose.

## BACKGROUND

**Her voice is heard – נִשְׁמַע קוֹלָהּ** – Pain experienced during intercourse can be triggered by various causes, both physical and emotional. In any event, if the woman is in such pain that it causes her to cry loudly enough to be heard in another courtyard, she is considered to be afflicted with an illness. Therefore, the Gemara states that this condition should be added to the list of significant blemishes with regard to a woman.

“טוֹוֹה בְּשׁוּק” אָמַר רַב יְהוּדָה אָמַר שְׂמוּאֵל: בְּמַרְאֵה זְרוּעוֹתֶיהָ לְבַנֵּי אָדָם. רַב חֲסֵדָא אָמַר אָבִימִי: בְּטוֹוֹה וְרָד כְּנֶגֶד פְּנֵיהָ. “וּמְדַבֶּרֶת עִם כָּל אָדָם” אָמַר רַב יְהוּדָה אָמַר שְׂמוּאֵל: בְּמִשְׁחָקָתָא עִם בְּחוּרִים.

אָמַר רַבָּה בַר בַּר חַנָּה: זִמְנָא תְּדָא הָוָה קְאִילָנָא בְּתַרְיָה דְּרַב עֻקְבָּא. חִוִּיתִיהָ לְהַיָּא עֲרִבָא דְהָוָה יְתִבָּה, קָא שְׂדִיא פִּילְבָּה וְטוֹוֹה וְרָד כְּנֶגֶד פְּנֵיהָ. כִּינּוּן דְּחִוִּיתִינוּ, פְּסִיקְתִּיהָ לְפִילְבָּה שְׂדִיתִיהָ, אָמְרָה לִי: עוֹלָם, הֵב לִי פִלְדָּי! אָמַר בָּהּ רַב עֻקְבָּא מִילְתָּא. מַאי אָמַר בָּהּ? רַבִּינָא אָמַר: “טוֹוֹה בְּשׁוּק” אָמַר בָּהּ. רַבֵּנּוּ אָמְרִי: “מְדַבֶּרֶת עִם כָּל אָדָם” אָמַר בָּהּ.

“אֲבָא שְׂאוּל אָמַר: אִף הַמְקַלְלֵת יוֹלְדָיו בְּפָנָיו” אָמַר רַב יְהוּדָה אָמַר שְׂמוּאֵל: בְּמַקְלָלֵת יוֹלְדָיו בְּפָנֵי מוֹלְדָיו. וְסִימְנֵךְ “אֲפָרִים וּמְנַשֶּׁה בְּרֹאשׁוֹן וְשִׁמְעוֹן וְהָיוּ לִי” אָמַר רַבָּה, דְּאָמְרָה לִי: יִנְכְּלִיהָ אֲרִיא לְסַבָּא, בְּאִפֵּי בְרִיָּה.

“רַבִּי טַרְפוֹן אָמַר: אִף הַקּוֹלֵנִית” מַאי קוֹלֵנִית? אָמַר רַב יְהוּדָה אָמַר שְׂמוּאֵל: בְּמִשְׁמַעַת קוֹלָהּ עַל עֵסְקֵי תְּשֻׁמִּישׁ. בְּמַתְנִיתָא תָּנָא: בְּמִשְׁמַעַת בְּחִצְרָא זוּ, וְנִשְׁמַע קוֹלָהּ בְּחִצְרָא אַחֲרָת.

וְנִתְנִיָּה גַבֵּי מוֹמֵין בְּמַתְנִיתָיו! אֵלָּא מְחֻוֶּרְתָא כְּדִשְׁנֵין מַעֲקָרָא.

§ And the mishna stated that a woman violates Jewish custom if she spins wool in the marketplace.<sup>h</sup> Rav Yehuda said that Shmuel said: This means that she reveals her arms to people by raising her sleeves as she spins. Rav Hisda said that Avimi said: It is referring to when she spins with a red [vered]<sup>l</sup> thread opposite her face<sup>n</sup> to highlight her beauty, which entails an element of promiscuity. The mishna also stated another violation of Jewish custom: Or she speaks with every man she encounters.<sup>h</sup> Rav Yehuda said that Shmuel said: This means that she flirts with young men.

Rabba bar bar Hanna said: One time I was walking behind Rav Ukva. I saw an Arab woman who was sitting, casting her spindle, and spinning a red thread opposite her face. Once she saw us, she tore the spindle from the thread and threw it down. She said to me: Young man, give me the spindle. Rav Ukva made a comment about her, noting that she provided an example of one of the types of promiscuity mentioned in the mishna. The Gemara asks: What did he say about her? Which one of the cases in the mishna did he mention? Ravina said: He said about her that she was an example of a woman who licentiously spins in the marketplace. The Rabbis said: He said about her that she was an example of a woman who licentiously speaks with every man.

§ The mishna stated: Abba Shaul says: Also a woman who curses her husband's parents<sup>h</sup> in his presence violates the precepts of Jewish women. Rav Yehuda said that Shmuel said: Even when she curses his parents in the presence of his children<sup>n</sup> and not in his presence she is considered one who violates Jewish custom. And your mnemonic is “Ephraim and Manasseh will be to me like Reuben and Simeon” (Genesis 48:5), which teaches that grandchildren have the status of children. Cursing one's husband's parents in front of his children is tantamount to doing so in front of the husband himself. Rabba said: An example is that she said in the presence of her husband's son: May a lion devour your grandfather.

§ The mishna stated: Rabbi Tarfon says: Also a loud woman.<sup>nh</sup> The Gemara asks: What is the definition of a loud woman? Rav Yehuda said that Shmuel said: She is considered loud when she raises her voice about matters relating to intercourse, i.e., she quarrels and fights with her husband about it loudly enough that the neighbors overhear, causing him embarrassment. It was taught in a *baraita*: When she engages in intercourse in this courtyard and she screams from pain, and therefore her voice is heard<sup>b</sup> in another courtyard.

The Gemara asks: But if so, then this should be taught together with the blemishes in the mishna at the end of the chapter, where it lists cases of women who may be divorced without payment of their marriage contract due to a physical blemish, as opposed to the mishna here, which discusses immodest conduct. Rather, it is clear as we initially answered, that a loud woman is so defined due to immodest behavior.

## NOTES

**טוֹוֹה** – She spins with a red [vered] thread opposite her face – Rashi apparently interprets the word *vered* similarly to the term *roded* or *yored*, i.e., to lower, meaning that she holds the spindle in her lap with the thread stretching down opposite her private parts, referred to euphemistically as her lower face. Rabbeinu Hananel quotes the *geonim*, who explain that she spins a red thread and holds it up opposite her face, in order to accentuate her beauty. Rambam explains the term in a slightly different manner: She sits and spins in the marketplace and places a rose [vered] or other red flower or jewelry on her face or forehead, which demonstrates a lack of modesty. *Talmidei Rabbeinu Yona* give a similar explanation but say that she places the flower in her lap opposite her private parts. The

common denominator of all of these interpretations is that the woman is not merely spinning wool innocently in the marketplace, but is acting in a deliberately provocative manner while doing so.

**יוֹלְדָיו בְּפָנָיו** – **מִוְלְדָיו** – The commentaries discuss the details of this case: Some explain that she curses the husband's parents or grandparents in his presence (see Rambam). However, most explain as Rashi does, that even if she curses her husband's father in front of her husband's son, this is still considered to be cursing his parents in his presence. This appears to be the simple meaning of the Gemara.

**A loud woman – קוֹלֵנִית** – Rashi explains that she fights loudly with her husband concerning intimate matters, and he is embarrassed by this. The Rivan gives a similar explanation, that she refuses to immerse in a ritual bath and he must bring other people to appease her, causing him embarrassment. However, the Rif and the Rosh explain that this refers to a woman who requests sexual intercourse so loudly that the neighbors overhear. Because she acted in an immodest manner and in violation of Jewish custom, she may be divorced without payment of her marriage contract.

One who betroths a woman on condition that there are no vows incumbent upon her – המקדש את האשה על מנת שאין עליה נדרים – ונמצאו עליה נדרים – על מנת שאין עליה נדרים: If a man betroths a woman on condition that she has no vows incumbent upon her, and then it is discovered that she has taken a vow of affliction, such as not to eat meat, drink wine, or adorn herself with colored garments, the betrothal is invalid. This is also the case if she vows concerning intimate matters between the couple, as people are generally particular that their spouse not take vows concerning these matters. Some say that since it is possible for one who vows to go to a halakhic authority and have the vow dissolved retroactively, she may not leave her husband without a bill of divorce, for it may in fact turn out that there was no vow. If she had other types of vows incumbent upon her, even if he claims he is particular about them, she is betrothed, in accordance with the mishna and the Gemara's interpretation. But if he betrothed her on condition that she has no vows incumbent upon her whatsoever, the betrothal will be invalidated by any vow she has taken, in accordance with what is written in the Jerusalem Talmud (Rambam *Sefer Nashim, Hilkhot Ishut* 7:6; *Shulhan Arukh, Even HaEzer* 39:1).

It was discovered that there are vows incumbent upon her – נמצאו עליה נדרים: If a man marries a woman without specifying that she not have any vows incumbent upon her to fulfill, and it is discovered that she had taken a vow of affliction, such as not to eat meat, she may be divorced without receiving any payment of her marriage contract, in accordance with the mishna (Rambam *Sefer Nashim, Hilkhot Ishut* 25:1; *Shulhan Arukh, Even HaEzer* 117:3).

If he betrothed her on condition that she has no blemishes – על מנת שאין בה מומין: If one betroths a woman on condition that she has no blemishes, and it is discovered that she has a disqualifying blemish, she is not betrothed. But if other blemishes were discovered on her, she is betrothed, even if he insists that he is particular about them, in accordance with the mishna (Rambam *Sefer Nashim, Hilkhot Ishut* 7:7; *Shulhan Arukh, Even HaEzer* 39:3).

If he married her without specification and it was discovered that she had blemishes – כנסה סתם ונמצאו בה מומין: If a man marries a woman without specifying that she has no blemishes, and then blemishes that disqualify a woman are discovered, she may be divorced without receiving any payment of her marriage contract, in accordance with the mishna (Rambam *Sefer Nashim, Hilkhot Ishut* 25:2; *Shulhan Arukh, Even HaEzer* 117:4).

Blemishes that disqualify priests – מומין הפוסלין בכהנים: The blemishes that disqualify a priest for service are those that are deemed significant with regard to the betrothal of a woman. Additional factors also exist that are deemed significant with regard to the betrothal of a woman but do not disqualify priests, as the Gemara explains (Rambam *Sefer Nashim, Hilkhot Ishut* 7:7; *Shulhan Arukh, Even HaEzer* 39:4).

מתני' המקדש את האשה על מנת שאין עליה נדרים. ונמצאו עליה נדרים – אינה מקודשת. כנסה סתם ונמצאו עליה נדרים – תצא שלא בכחיה.

על מנת שאין בה מומין. ונמצאו בה מומין – אינה מקודשת. כנסה סתם ונמצאו בה מומין – תצא שלא בכחיה. כל המומין הפוסלין בכהנים פוסלין בגושים.

גמ' ותנן נמי גבי קדושין כי האי גוונא! הך בתובות איצטריכא ליה – תנא קדושין אטו בתובות. הך קדושין איצטריכא ליה – תנא בתובות אטו קדושין.

אמר רבי יוחנן משום רבי שמעון בן יהוידק: באלו נדרים אמרו – שלא תאכל בשר, ושלא תשתה יין, ושלא תתקשט בבגדי צבעונים. תנא נמי הכי: באלו נדרים אמרו – דברים שיש בהן עינוי נפש: שלא תאכל בשר, ושלא תשתה יין, ושלא תתקשט בבגדי צבעונים.

הוי בה רב פפא: אהיא? אילמא ארישא. כיון דקא קפיד – אפילו כל מילי נמי אלא אסיפא.

**MISHNA** In the case of one who betroths a woman on condition that there are no vows incumbent upon her,<sup>h</sup> and it was subsequently discovered that there are vows incumbent upon her,<sup>h</sup> she is not betrothed. This is because if the condition is not fulfilled, the betrothal is nullified. If he married her without specification and it was subsequently discovered that vows were incumbent upon her, she may be divorced without payment of her marriage contract, since he discovered a deficiency about which she had not initially informed him. However, this does not invalidate the betrothal, since he did not make any explicit condition.

If he betrothed her on condition that she has no blemishes,<sup>h</sup> and it was subsequently discovered that she did have blemishes, she is not betrothed. But if he married her without specification, and it was subsequently discovered that she had blemishes,<sup>h</sup> she may be divorced without payment of her marriage contract. The mishna clarifies what qualifies as a blemish: All of the blemishes that are listed in tractate *Bekhorot* involving significant physical deformities that disqualify priests from service<sup>h</sup> similarly disqualify betrothal of women, as a mistaken transaction.

**GEMARA** The Gemara comments: And we learned a mishna (*Kiddushin* 50a) also concerning betrothal just like this case. The mishna there is essentially identical to the mishna here, so why must it be repeated? The Gemara explains: Here, it was necessary for the *tanna* to mention these *halakhot* in the context of marriage contracts, which is the topic of this tractate. Therefore, he taught the *halakha* of betrothal due to the *halakha* of marriage contracts. There, in *Kiddushin*, it was necessary for him to mention the *halakha* of betrothal, so he taught about marriage contracts due to betrothal.

Rabbi Yohanan said in the name of Rabbi Shimon ben Yehozadak: These are the vows they spoke about in the mishna that are considered grounds for divorce without payment of the marriage contract: A vow that she will not eat meat or that she will not drink wine or that she will not adorn herself with colored garments. That opinion is also taught in a *baraita*: These are the vows they spoke about:<sup>n</sup> Matters that involve affliction, such as that she will not eat meat, or that she will not drink wine, or that she will not adorn herself with colored garments.

Rav Pappa discussed it: To which statement in the mishna is this referring? If we say it is referring to the first clause of the mishna, where one betroths a woman on condition that there are no vows incumbent upon her, then since he demonstrated that he is particular about vows, even vows concerning any other matters, including insignificant ones, should also be included. Since he stipulated a condition and it was not fulfilled, the betrothal is invalid. Rather, one must conclude that it is referring to the latter clause of the mishna, about one who marries a woman without stipulation and then discovers that vows were incumbent upon her. In such a case the mishna says she may be divorced without payment of her marriage contract. However, it does not say this for all vows, but only for vows concerning matters of significant affliction.

NOTES

These are the vows they spoke about – באלו נדרים אמרו: Some commentaries understand that the rule is limited to these three specific vows only and does not apply to any others, as is explicit in the opinion of the Ra'avad and implied by the statement of the Rambam. It appears that Rashi also takes this position, as he briefly comments that for these three vows, in addition to the affliction caused by the vow itself, there is the additional factor

that the wife becomes repulsive to her husband, which implies that for other vows that do not have the combination of these two factors, the rule in the mishna would not apply. However, other commentaries hold that these cases were brought only as examples of vows where the husband might be particular, but any vow of affliction, as well as any vow concerning intimate matters between the couple, are included as well (Ritva).

