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Prohibiting Cohabitation

Rava inquired of Rav Nachman: According to the Rabbis (*who disagree with Rabbi Yosi regarding bathing and adornments*), is a woman’s vow to abstain from cohabitation regarded as one that involves physical affliction, or is it a matter that is between him and her?

Rav Nachman said to him: This can be resolved from the following *Mishna*: If she made a *neder*, saying, “I am removed from all Jews” (*she prohibited herself from engaging in relations with any Jew*), the husband may revoke the portion of the *neder* relevant to him, and she is then permitted to him, but she remains forbidden to all other Jews. Rav Nachman explains his proof: If prohibiting cohabitation is a *neder* that involves physical affliction, why is she still forbidden to everyone else (*the husband revokes completely a neder that involves personal affliction, even in regard to others*)? Learn from here that it must be regarded as a matter that is between him and her.

The *Gemora* deflects the proof: You may still inquire according to the Rabbis, for the *Mishna* cited regarding, “I am removed from all Jews” was taught by Rabbi Yosi (*who holds that prohibiting cohabitation is a matter that is between him and her*). For Rav Huna said: Our entire chapter (all anonymous teachings in this *perek*) should be attributed to Rabbi Yosi.

How is this proven? For once the *Mishna* taught: Rabbi Yosi said: These are not matters of personal affliction, why did the *Mishna* need to further state: He may revoke this vow; these are the words of Rabbi Yosi? Learn from here that from this point and on, the *Mishna* is following the opinion of Rabbi Yosi. (81b – 82a)

She Might Require that Service

Shmuel said in the name of Levi: The husband may revoke any *neder* of hers involving personal affliction, except if she said, “The pleasure from me is forbidden upon So-and-so.” However, if she said, “The pleasure from So-and-so is forbidden upon me,” he may revoke.

The *Gemora* asks from a *Mishna* above: If she said, “The produce of this country (is konam) upon me,” he can bring produce from a different country for her. (*If the produce from the entire country is forbidden to her, and it is not regarded as a personal affliction, certainly the pleasure from one person should not be considered a neder involving personal affliction!*)

Rav Yosef answers: The *Mishna* is referring to a case where she prohibited her husband from bringing her the produce from this country (*it is therefore not regarded as a neder involving personal affliction, for she can still obtain this produce; however, here, where she prohibited the pleasure from one person, it is*

considered a personal affliction, for she might eventually require his services).

The *Gemora* asks from the very same *Mishna*: If she said, “Produce of this storekeeper (is *konam*) upon me,” he may not revoke such a vow. (*Shouldn’t this be the similar to the case where she prohibited the pleasure from one person?*)

The *Gemora* answers: The *Mishna* is also referring to a case where she prohibited her husband from bringing her the produce from this storekeeper.

The *Gemora* asks: The *Mishna* continues: However, if his sole source of sustenance was from him (*it was only this shopkeeper who offered him credit*), he may revoke the vow. Now, if you will say that she prohibited her husband from bringing it, why should he be able to revoke this *neder* (*let someone else bring her the produce*)?

Rather, the *Gemora* concludes that this *Mishna* is referring to a case where she prohibited the produce, regardless of who will bring it to her (*and therefore, it would be a contradiction to Shmuel’s ruling*)!

Rather, the *Gemora* answers that the *Mishna* was taught by Rabbi Yosi (*who holds that this is not regarded as a neder involving personal affliction*). For Rav Huna said: All anonymous teachings in this *perek* should be attributed to Rabbi Yosi. And when the *Mishna* said: “He may not revoke such a vow,” it meant that he cannot revoke it based on it being a *neder* involving personal affliction; but rather, he may revoke it as a *neder* that is between him and her. (82a – 82b)

Two Loaves

Rav Yehudah said in the name of Shmuel: If a woman makes a *neder* prohibiting herself from two loaves of bread; one by which she is afflicted (*by abstaining from it, since it is made from fine flour*), and one by which she is not afflicted (*since it is made from coarse flour*), since the husband may revoke the portion of the *neder* by which she is afflicted, he may revoke the other portion as well. (*The Ra”n states that this would be true even if he revokes the neder in a general manner, and does not specifically say that he is revoking the entire neder*). Rav Assi says in the name of Rabbi Yochanan: He may revoke the portion of the *neder* by which she is afflicted, but he may not revoke the portion of the *neder* by which she is not afflicted.

The *Gemora* cites an alternative version of the above ruling: Rav Assi inquired of Rabbi Yochanan: If a woman makes a *neder* prohibiting herself from two loaves of bread; one by which she is afflicted, and one by which she is not afflicted, what is the *halachah*? Rabbi Yochanan replied: He may revoke the portion of the *neder* by which she is afflicted, but he may not revoke the portion of the *neder* by which she is not afflicted. (82b)

INSIGHTS TO THE DAF

Revoking a Portion of her Neder

The Ra”n explains the dispute in the *Gemora* regarding the two loaves of bread: It is written: *And her husband will revoke it*. The *Gemora* below (87a) derives the *halachah* that the husband needs to revoke the entire

neder. If he only revokes a portion of the *neder*, even that part is not revoked.

In our *Gemora's* case, she made a *neder* concerning two loaves. It is one *neder*, and therefore, he may not revoke only a portion of the *neder*. Since he wishes to revoke to revoke the *neder*, and he is able to revoke the portion by which she is afflicted, he may revoke the other portion as well. For if you will say that he cannot revoke the portion by which she is not afflicted, it will emerge that he cannot revoke the portion by which she is afflicted either. And since the Torah grants him the right to revoke her *nedarim* which involve personal affliction, of necessity he revokes the non-afflicting portion as well, because the afflicting portion and the non-afflicting portion are interdependent, and if he cannot revoke the *neder*, she will remain afflicted.

Rav Assi in the name of Rabbi Yochanan disagrees and maintains that he may revoke the portion of the *neder* by which she is afflicted, but he may not revoke the other portion. He holds that even though the *halachah* is that he may not revoke only a portion of the *neder*, that means that he must revoke all of the *neder* that he is capable of revoking. If a portion of the *neder* involves personal affliction, he must revoke that entire portion, but that does not affect the other portion.

The Ra"n asks: The *Gemora* above cited the following *Mishna*: If she made a *neder*, saying, "I am removed from all Jews" (*she prohibited herself from engaging in relations with any Jew*), the husband may revoke the portion of the *neder* relevant to him, and she is then permitted to him, but she remains forbidden to all other Jews. Why is this the *halachah* according to Shmuel? Since the husband may not revoke only a portion of the *neder*, we should say that the *neder* is revoked in its entirety!

The Ra"n answers that Shmuel holds that the *halachah* of not revoking a portion of her *neder* is only applicable to *nedarim* that involve personal affliction. However, in regards to *nedarim* of matters that are between him and her, he is able to revoke only part of her *neder*. This distinction is based upon the verse where this *halachah* is derived from.

The Ra"n adds that there is a logic to distinguish in this manner. In *nedarim* that involve personal affliction, the Torah did not allow him to revoke portions of the *neder*, for then, she may remain afflicted, and it is she, not he that will suffer. However, regarding *nedarim* that are matters between him and her, he may revoke only half, for it is he that will remain annoyed by her *neder*. It is therefore up to his discretion as to which part he revokes, and which part he will leave unrevoked.