



OVERVIEW of the Daf

1) "I will be handsome" (cont.)

The Gemara explains why a declaration, "I will be handsome" constitutes a pledge to be a nazir, despite the fact that being a nazir is sinful.

2) "I am like this"

Shmuel explains the conditions necessary for a declaration of "I am like this" to be a pledge to be a nazir.

3) "I am a mesalsel"

An example of the use of the term mesalsel in reference to hair is cited.

It is suggested that the term mesalsel refers to Torah rather than nezirus.

Shmuel answers that the one who made the declaration was holding his hair.

4) "I am a mechalkel"

An example of the use of the term mechalkel in reference to hair is cited.

It is suggested that the term mechalkel refers to supporting the poor rather than nezirus.

Shmuel answers that the one who made the declaration was holding his hair.

5) Growing hair

A verse is cited that indicates that the word שילוח refers to growing hair.

An alternative translation of the term שילוח is suggested.

Two resolutions to this challenge are presented.

6) Clarifying the dispute between R' Meir and Chachamim

Reish Lakish suggests an explanation of the dispute be-

(Continued on page 2)

REVIEW and Remember

1. What is the meaning of the word מסלסל.

2. According to Reish Lakish, what is the point of dispute between R' Meir and Rabanan?

3. Why does declaring "right hand" constitute an oath?

4. Explain the dispute between R' Shimon and Rabanan.

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Distinctive INSIGHT

Mitzvah wine

לאסור יין מצוה כיון הרשות מאי היא—קדושתא ואבדלתא

Our Gemara points out that although a nazir is prohibited from drinking wine, we might have thought that this restriction does not include wine that is used for a mitzvah. Nevertheless, there is a special verse (מיין ושכר יזיר) which teaches us that all wine, including that of mitzvos, is included in the restriction.

What is the case of wine of a mitzvah? The Gemara identifies this as wine used for Kiddush and Havdalah. In the Sifrei (Parashas Naso) the "wine of mitzvah" is identified as wine of ma'aser sheni. Why does our Gemara use the example of wine used for Kiddush and Havdalah, a definition which is questionable, as noted in the Gemara and in Tosafos, rather than to use the definition suggested by the Sifrei?

The בית האוצר (159) explains that the Sifrei argues with our Gemara regarding the mitzvah of eating ma'aser sheni. The Sifrei is of the opinion that the owner himself has a mitzvah to eat his ma'aser sheni. This is why the Sifrei understands that there is a necessity for the verse to specifically exclude the wine of ma'aser sheni and to prohibit its consumption for the nazir. Our Gemara, however, is of the opinion that ma'aser sheni wine can be drunk by anyone, as long as it is consumed in Yerushalayim. Therefore, there is no specific reason to think that a nazir should be able to drink the wine of ma'aser sheni. If there is a need for a verse, it would be to teach that the nazir may not drink the wine of Kiddush and Havdalah.

The מהר"ץ חיות points out that when drinking the cup of Kiddush and havdalah, it is enough to drink the majority of a cup which contains a רביעית (one fourth of a log), but a nazir is only in violation of his nezirus if he drinks a full רביעית. This means that even if a nazir would drink from Kiddush, his nezirus is not violated. Why, then, would it be necessary for a verse to prohibit his drinking wine which does not interfere with his condition? Although any and all wine is prohibited (חצי שיעור אסור מן התורה), we would not consider drinking less than a full amount to be מושבע ועומד, as described in the Gemara.

Accordingly, מהר"ץ חיות explains that our Gemara follows the view of Rabbi Shimon, who holds that a nazir invalidates his nezirus if he drinks any wine at all, not only a full amount of a רביעית. ■

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 Mr. and Mrs. Avi Goldfeder
 In loving memory of their mother
מרת רחל לאה בת ר' אברהם צבי חיים ע"ה

HALACHAH Highlight

Does the word באמת constitute an oath?

התניא האומר ימין הרי זו שבועה

Didn't we learn in a Baraisa that when one says, "Right hand," this is an oath

Shulchan Aruch¹ rules that saying "Right hand" constitutes an oath and Shach² adds that it only counts as an oath when a person refers to the right hand of Hashem. Thus we see that even if a person does not refer to Hashem by His name or one of the descriptive terms commonly used to name Him, it nonetheless constitutes an oath since he used a term that refers to Him. Another application of this principle is found in Teshuvos Zera Emes. Teshuvos Zera Emes³ ruled that the use of the term באמת—in truth—also constitutes an oath. To a large degree he bases this ruling on the comments of Reishis Chochmah who wrote that one should be cautious from swearing with the term באמת since this a reference to Hashem. Thus, for example, Teshuvos V'Hanhagos⁴ rules that a person should not say, "In truth it was like this – כן, באמת היה," since such a declaration would constitute a vow.

Teshuvos P'nei Yitzchok⁵, however, cites numerous instances that indicate that the use of the term באמת does not constitute an oath. Furthermore, he claims that Reishis Chochmah cannot be relied upon to draw this conclusion. One reason is that Reishis Chochmah only wrote that one should be cautious ("ש"יש לזהר") which hints that there is no actual prohibition. Secondly, the section Sha'arei Kedusha presents matters of piety not halacha.

Teshuvos Haradvaz⁶ rules that the term אמת constitutes an oath and adds that if one declares, "Just like Hashem is true so

tween R' Meir and Chachamim.

R' Yochanan offers an alternative explanation of the dispute.

The Gemara records a series of unsuccessful challenges to R' Yochanan's explanation.

A practical difference between Reish Lakish and R' Yochanan's explanation is suggested.

This explanation is unsuccessfully challenged.

7) MISHNAH: The Mishnah teaches that even if a person mentions only one of the prohibitions in his nezirus declaration he is, nonetheless, a full fledged nazir.

8) The authorship of the Mishnah

It is noted that the Mishnah does not reflect R' Shimon's opinion as recorded in the Baraisa that a person is not a nazir unless he vows to abide by all the restrictions.

The Gemara explains the rationale for the positions of R' Shimon and Rabanan, respectively. ■

too this matter is true" he may have taken an oath and should conduct himself as if an oath was taken. Furthermore, even if he follows through appropriately on his oath he has committed a terrible transgression that borders on heresy. The reason is that a person should not equate the truth of Hashem with the truth of any creation. This applies even if the person is certain that his statement is true and all the more so if he is uncertain that the matter is true. ■

1. שוייע יו"ד סי' רל"ז סעי' ח'.
2. ש"ך שם ס"ק י"ד.
3. שו"ת זרע אמת ח"ב סי' צ"ט.
4. שו"ת תשובות והנהגות ח"א סעי' תקכ"ה.
5. שו"ת פני יצחק ח"א יו"ד סי' ה'.
6. שו"ת הרדב"ז ח"א סי' י"ז. ■

STORIES Off the Daf

The bitter cups

"מבעי ליה לאסור יין מצוה כ"ן הרשות..."

In certain times and places, wine could be exceedingly expensive. Nevertheless, for the four cups of wine required on Pesach, people spent as much as was necessary to procure wine needed to fulfill this precious mitzvah.

Somehow, a very bitter substance had been mixed into a certain person's expensive wine. The owner of the wine approached his Rav to ask whether he could still use it. He explained, "Of course, it

tastes rather vile, but I hate wine anyway. It gives me a headache. I drink exactly eight cups of it. Four on each of the seder nights. So to me it doesn't matter much that it's so repulsive. Do I really have to pay the exorbitant price of another eight cups of wine if I'm willing to drink what I have?"

The man's Rav was not sure that the man could use the very bitter tasting wine. He decided to consult with the Kesav Sofer, zt"l.

The gadol answered, "In Nazir 3b we learn from the verse that a nazir may not even drink wine and beer for Kiddush or Havdalah. However, a Nazir may drink wine in a manner in which he gets no

pleasure. If one can discharge his obligation with wine mixed with something very bitter, what is the verse teaching us? Clearly one may not use regular wine if there is a permitted way to do the mitzvah, since there is no mitzvah to have pleasure from the wine.

The Kesav Sofer concluded, "We see from here that one may not discharge one's obligation with matzah or wine that was mixed with something so bitter that normal people would not wish to eat it. So if this man can't procure some other wine, he may use such drink for the mitzvah. Since there are opinions that he can discharge his obligation, he should at least use what he has..." ■