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OVERVIEW of the Daf

1) MISHNAH: Beis Shammai and Beis Hillel dispute whether a declaration to be a nazir from figs constitutes a valid vow. R' Yehudah asserts that even Beis Shammai only meant that it would be a vow prohibiting figs but it is not a vow of nezirus.

2) Clarifying the dispute between Beis Shammai and Beis Hillel

The Gemara suggests an explanation of the dispute between Beis Shammai and Beis Hillel.

This explanation is rejected.

An alternative explanation of the dispute is offered, i.e. do we reinterpret a person's meaningless declaration.

A Baraisa presents R' Nosson's understanding of the dispute between Beis Shammai and Beis Hillel.

An alternative version of that Baraisa is presented.

3) Donating in the way of those who donate

The Mishnah in Menachos that presents the dispute between Tanna Kamma and R' Shimon concerning the principle of "donating in the way of those who donate" is recorded.

Chizkiyah asserts that Tanna Kamma reflects Beis Shammai's opinion from our Mishnah that it is not necessary to donate in the way of those who donate.

R' Yochanan explains how Tanna Kamma could even follow Beis Hillel.

Chizkiyah offers a qualification to Tanna Kamma's po-

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REVIEW and Remember

1. How does the Gemara initially explain Beis Shammai's position?

2. Explain the principle אין שאלה בהקדש.

3. What is the rationale behind R' Shimon's position in the Mishnah in Menachos?

4. What is the outcome of a commitment to bring a Korban Minchah from lentils?

Today's Daf Digest is dedicated
By Rabbi & Mrs. Shiya Wechsler
In loving memory of his mother,
מרת פרומט בת ר' אהרן ע"ה

Distinctive INSIGHT

What is the rationale for the opinion of Beis Shamai?
הריני נזיר מן הגרוגות ומן הדבילה, בית שמאי אומרים נזיר ובית הלל אומרים אינו נזיר

Beis Shamai rules that a person is a nazir when he declares himself to be a nazir from dried or pressed figs. The Gemara explains that the reason for the opinion of Beis Shamai is that a person does make statements for naught. There is actually no such thing as a nazir whose restriction is from figs, so we assume that the person intended that he would be a standard nazir, as indicated in his initial words, "הריני נזיר". He then added his comment not to eat figs as a release, in order to retract his nezirus. However, Beis Shamai hold that we do not allow a release from nazir, just as we do not allow a release in regard to הקדש. Beis Hillel, however, do allow שאילה for nazir, and the declaration to only be prohibited from figs is this person's appeal for rescinding his statement of nezirus.

Tosafos (ד"ה הריני) cite the Tosefta which explains that the dispute in the Mishnah depends upon whether we say that a status of nazir can be established using כינויי כינויים—an indirect reference of an unclear reference. Beis Shamai considers the mention of figs to be a distant reference to nezirus. The underlying connection is explained in the Yerushalmi (2:1) in the name of Reish Lakish, based upon a verse (Yeshayahu 65:8): "Thus said Hashem, 'Just as when wine (תירוש) is found in a cluster (אשכול)...' " See ר"ן to Nedarim 55b, that in the time of the Gemara, many sweet fruits, such as pressed and dried figs, were called by the term תירוש. We see in the context of the verse in Yeshayahu that these things grow on a "cluster— אשכול." This is enough of a connection for Beis Shamai to say that "דבילה" can refer to nezirus. Beis Hillel do not recognize this indirect connection as binding.

Rabbi Yochanan, as cited in the Yerushalmi, explains the opinion of Beis Shamai as it is explained here, in the Bavli. Once the person mentions "נזיר" he accepts upon himself to be a nazir, and the fact he said he wished to abstain from figs is not to be used as a release. In fact, even Reish Lakish does not intend to disagree with Rabbi Yochanan. Reish Lakish says that the reason for Beis Shamai is based upon כינויי כינויים, but his point is that in this Mishnah, in regard to דבילה, it would have been possible to say that the reason for Beis Shamai is due to indirect references being valid. However, based upon the Mishnah on 10a, it is clear that this is not really the underlying for Beis Shamai, even according to Reish Lakish. ■

HALACHAH Highlight

Is nezirus like hekdesh or like nedarim?

אין שאלה בנזירות

There is no petitioning for nezirus

There are two varieties of vows, נדרי איסור—vows of prohibition and נדרי הקדש—vows of sanctity. Vows of prohibition, commonly referred to as nedarim, are vows taken to prohibit a particular item. Vows of sanctity, commonly referred to as hekdesh, are declarations that infuse an item with sanctity. There is a dispute how to categorize vows of nezirus. Rambam[1] writes that nezirus is categorized as נדרי איסור. Support for this is found in the Sifrei[2] that asks why the Torah had to discuss nezirus when it seems to be an application of the parsha of nedarim. The premise of the question assumes that nezirus is conceptually the same as nedarim. Some authorities[3] note that even according to Rambam nezirus is not exactly the same as nedarim because Rambam writes that לא יחל applies to nezirus which includes all nedarim (שכולל כל הנדרים). If nezirus was only a type of נדרי איסור there would be no reason to emphasize that nezirus is included. The necessity to make this point indicates that nezirus is its own category but most similar to נדרי איסור.

Ramban[4] disagrees and maintains that nezirus is categorized as נדרי הקדש. Proof to this assertion is that the prohibition of בל תאחר applies only to נדרי הקדש and yet the Gemara in Nedarim (3b) teaches that the prohibition of בל תאחר applies to nezirus. (According to the earlier assertion that nezirus is in its own category that is similar to נדרי איסור it could be that this category also allows for a violation of בל תאחר.) Another proof is that when making a neder the word or related term for נדר must be utilized whereas when making נדרי הקדש it is not necessary. Accordingly, since it is not necessary to use the term neder when taking a vow of nezirus it is an indication that it is categorized as נדרי הקדש. Tosafos[5], in his explanation why there is no petitioning for nezirus, also writes that nezirus is like הקדש and he bases his opinion on the verse which states (Bamidbar 6:5), "Holy will be the growth of his hair." ■

1. רמב"ם פ"א מהל' נזירות ה"א.
2. ספרי פר' נשא.
3. ע' פתח הביאור לספר פתחי נזיר פ"א סע' א' ד"ה נדר מכלל.
4. פתח הביאור שם מסה"מ מ"ע צ"ד.
5. תוס' ד"ה אין שאלה. ■

(Insight. Continued from page 1)

sition in the Baraisa.

This qualification is a challenge to Chizkiyah's previous explanation.

The Gemara answers that Chizkiyah retracted his original assertion that Tanna Kamma of the Mishnah follows Beis Shammai and offers a different explanation of how Chizkiyah explains Tanna Kamma.

R' Yochanan maintains that even when a person commits to bring a Korban Mincha from lentils he is obligated to bring a standard Korban Mincha.

The Gemara challenges whether R' Yochanan actually maintains this position.

The Gemara answers that R' Yochanan's statement regarding lentils was directed as a challenge to Chizkiyah's explanation. ■

STORIES Off the Daf

"In holiness, there Are no questions..."

"...אין שאלה בהקדש"

Once a certain person had a single cow with which he made his living. A very great mitzvah was presented to him that demanded an investment of money and he wasn't sure what to do. Perhaps he should sell his precious cow to fulfill the mitzvah? On the other hand, how could he sell his only source of livelihood?

The poor man brought this dilemma before the famous Rav Elimelech of Lizensk, zt"l. After hearing the question, Rav Elimelech immediately proclaimed, "You should not sell your cow."

The man protested, "But Rebbe, the same mitvah once came your way and you sold your cow. Why am I different?"

Rav Elimelech shot back, "Unlike you, I didn't ask!"

Rav Elimelech worked on his trust in Hashem to such an extent that he had the necessary inner strength to act with self-sacrifice without a need to ask any shailah. The opportunity to fulfill the mitzvah came, and he did whatever he could to fulfill it, without any hesitations.

The Aryeh Sha'ag, zt"l, said, "It is possible to learn this from Nazir 9. The Gemara states, 'Ein sh'eilah b'hekdesh.' Although this literally means that one who consecrates a sacrifice may not nullify this by post-facto regret, this can be read another way. 'There are no questions regarding hekdesh.' If someone questions the advisability of doing a holy deed that extends beyond his basic obligations, he is not holding by doing that mitzvah!" ■

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