



OVERVIEW of the Daf

1) Clarifying Beis Hillel's position (cont.)

Abaye proposes another explanation to Beis Hillel's difficult statement that those whose words were *not* fulfilled become nezirim.

2) Clarifying the author of the Mishnah

The Mishnah implies that if the approaching person turned back no one is a nazir, but if he came before the others he would be a nazir.

The Gemara inquires about the author of the Mishnah who would maintain this position. ■

Gemara GEM

Declaring a state of Nezirus

אמר אחד מהן הריני נזיר...

The Gemara notes the juxtaposition of the laws of Nazir to the laws of Sotah in the Torah (Bemidbar, Chapters 5-6). The lesson is that someone who witnessed a Sotah in her disgrace should distance himself from wine. However, one who witnessed the punishment a Sotah receives should have no need to add additional precautions to avoid being involved with a Sotah. Quite the contrary, after having personally witnessed such a shocking series of events, he would seemingly shudder at the very possibility of a sin.

The Baal Shem Tov answers that the question assumes the false pretense that one may see a Sotah by chance, a mere coincidence. But Hashem, Who is constantly leading us through life, creates life as a classroom. Therefore, if one has seen a Sotah, this is because he needs to learn some lessons from the experience, because he may be lacking in this area on a personal level.

With this in mind, our outlook upon our entire lives has changed, as the people we meet and the situation we confront are to be viewed as opportunities and tools to perfect ourselves. ■

REVIEW and Remember

1. How does Abaye interpret Beis Hillel's statement in the Mishnah?
2. What inference does the Gemara draw from the Mishnah's case where the person approaching turned back?

Distinctive INSIGHT

Accepting nezirus based upon uncertain conditions

אביי אמר כגון דאמר אי נמי לאו פלוני הוא אי הוי נזיר, ומאי לא נתקיימו דבריו לא נתקיימו דבריו הראשונים אלא דבריו אחרונים

Most of the Rishonim understand that, according to Abaye, the speaker who declared his statement of nezirus concluded his words with a retraction of his initial comment. At first he said that he would be a nazir if the person approaching was So-and-So, and then he added a comment saying that he would be a nazir even if the person approaching was not So-and-So. This is why, according to Beis Hillel, he is a nazir. When the Mishnah reports he will be a nazir even if "his words do not come true," it does not mean that they did not come true at all, but rather that his opening intent was not realized, but his concluding remarks did come true. Tosafos and Rosh add that the *חידוש* of the Mishnah is that one may retract his initial statement because he reversed his intent within a moment (תוך כדי דיבור).

באר משה notes that the Gemara (earlier, 9a) compares nezirus with הקדש. Therefore, just as we find that one may change his declaration of nezirus if he does so immediately, so too one may reverse a promise to הקדש if one does so within this limited time framework. Tosafos (ibid., ד"ה אין) explains that whether a person may retract a promise to הקדש at all is a function of the dispute between Beis Hillel and Beis Shamai who argue about whether one may regret and release a promise to הקדש. It is only Beis Hillel who say that one who mistakenly consecrated an item for the Beis Hamikdash may appeal his commitment to a חכם and have his pledge reversed. We would therefore have to say that the explanation of Abaye in our Mishnah, who explains that nezirus may be reversed if it is retracted within a moment, can only be understood according to Beis Hillel. Keren Orah, however, notes that the approach of Tosafos is not necessarily true, and that we could draw a distinction between "הקדש בטעות— בטעות" and reversing one's statement within a moment— תוך כדי דיבור.

In contrast to the other Rishonim, Meiri has a radically different explanation to the words of Abaye. He does not learn that the person reverses himself and accepts nezirus whether the person approaching is not So-and-So, but rather that the person accepts nezirus regardless of who is approaching. ■

HALACHAH Highlight

Conditional declarations of nezirus

אביי אמר כגון דאמר אי נמי לאו פלוני הוא אי הוי נזיר

Abaye says that [Beis Hillel] refers to where said, "If it is not Ploni I will be a nazir."

Tosafos¹ and Rosh² explain that Beis Hillel, according to Abaye, is addressing a case where the person retracted his original declaration. He begins by declaring, "I will be a nazir if that is Ploni," and then he declares, "Even if that is not Ploni I will be a nazir." The Mishnah is thus teaching that even if his first declaration is not fulfilled he is a nazir because of his second declaration. The novelty of the Mishnah is that when a person retracts a statement within the time it takes to greet his Rebbe (תוך כדי דיבור) the original statement is completely disregarded.

"Rashi³" explains that the person did not retract his original statement; rather he is expanding his declaration. In other words he declares, "I will be (הריני) a nazir if that is not Ploni and even if it is Ploni I will (איהוי) be a nazir. Mishnah Lamelech⁴ questions the novelty of this ruling

since his full declaration encompasses all possibilities. Tiferes Tzion⁵ asserts that the novelty relates to the difference between the meaning of the word הריני and the word איהוי. The term הריני indicates that the person is a nazir immediately (i.e. from the moment of his declaration) if it is discovered that the approaching person is Ploni. In contrast, the term איהוי means that at the time it is discovered that the approaching person is not Ploni I will begin a term of nezirus at that time. In other words the difference is whether the period of nezirus begins at the time of his declaration or does it begin at the moment it is determined that the approaching person is not Ploni. Accordingly, the novelty of this ruling is that Beis Hillel rejects R' Tarfon's requirement that a person's declaration must be explicit and explains that even when a person's declaration is dependent on something else it can still constitute a binding vow of nezirus. ■

1. תוס' ד"ה מי שלא.

2. רא"ש לסוגייתינו.

3. "רש"י" ד"ה אביי אמר וד"ה ומאי

4. משנה למלך פ"ב מהל' נזירות ה"ח.

5. תפארת ציון מובא במתיבתא ילקוט ביאורים לג. אות ג' ד"ה

ובתפארת ציון. ■

STORIES Off the Daf

A Mistaken Vow

"הא אתי לקמן הוי נזיר"

We see during the course of the entire masechta how serious nedarim are in general and nezirus in particular. Once a person makes a neder or takes on nezirus, this can be very difficult to undo.

There was a certain Israeli ba'al teshuvah who never cut his hair. He had such long hair that people were a bit taken aback by him. One close friend asked him why a refined shomer Torah and mitzvos, so refined in every way, did not cut his hair. He explained, "Before I understood what religion meant, I took multiple vows of nezirus, so I don't cut my hair."

"But why not consult with the Minchas Yitzchak, zt"l?" interjected the

friend. "He may be able to help you out of the neder."

The ba'al teshuvah did just that, pouring out his story to the venerable gadol. "When I was younger I spent many years in India searching for spirituality like many other secular Israeli friends. On Erev Rosh Hashanah, 1974, I decided to attend services in a Sefardic shul in India. When I heard the piyut, Oked V'ne'ekad, which describes the akeidah in such a moving way, I cried powerful tears of regret. What was I doing in India? From that moment I was a changed man. I decided that my place was in Judaism although I had no idea what that was.

"I went back home and started learning Tanach in my parents' house. After many different phases I joined a group on Har Tzion who wished to bring Moshiach by learning a lot of Zohar. Unfortunately, they denied the veracity of Torah sheba'al peh. We all

took vows of nezirus, although we didn't know to stay away from

טומאת מת. We also ate plenty of raisins due to our gross ignorance. We even traveled on two white donkeys from Chevron to Yerushalayim. I would never have taken on nezirus if I had known what I know today. It is very heavy upon me every single day and I am worried for my children. How will I make them feel when they are old enough to go to cheder?"

In the course of a long teshuvah the Minchas Yitzchak wrote, "Due to his strange actions during the time he accepted the nezirus, it seems that this constitutes taking nezirus on without knowledge of what was involved."

He concluded, "Due to the many reasons brought in this teshuvah, and after duly consulting my colleagues, I rule that we may annul his vow..." ■