



## OVERVIEW of the Daf

### 1) Non-Jews (cont.)

The Gemara concludes the final challenge to Rava's explanation why the phrase בני ישראל excludes non-Jews for nezirus but not for arachin.

### 2) Non-Jews and erech-vows

The Gemara seeks to understand why the Torah uses the term איש in the context of erech vows.

One suggestion that is rejected is that it includes minors on the verge of adulthood (מופלא סמוך לאיש).

Another suggestion is that it includes a non-Jew who is on the verge of adulthood.

It is noted that this explanation does not work for all opinions.

R' Ada bar Ahavah suggests that the term איש includes an adult non-Jew.

### 3) כי יפלא

The Gemara wonders the meaning of the words כי יפלא that appear in the context of nezirus.

One explanation is suggested but rejected since it does not account for all opinions.

Another explanation is suggested but rejected since it does not account for all opinions.

Another explanation is presented that is accepted.

**4) MISHNAH:** The Mishnah continues to contrast the halachos related to revoking one's wife's vows with revoking one's slave's vows.

### 5) A slave's vow of nezirus

A Baraisa explains why a master has power of his slave's nezirus but not over his regular or erech vows.

The Gemara challenges this explanation.

R' Sheishes offers some further clarification.

This clarification is rejected.

Rava suggests an alternative explanation.

This suggestion is rejected.

Abaye offers another explanation and explains the rationale behind the distinction.

**6) MISHNAH:** R' Meir and R' Yosi dispute whether a slave who took a vow of nezirus and ran away is obligated to observe his nezirus during the time he is on the run.

### 7) Clarifying the dispute

The Gemara suggests that the dispute between R' Meir and R' Yosi relates to a ruling of Shmuel concerning the

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## Distinctive INSIGHT

*The contrast between an oath and nezirus of a servant*

יצא להרע לאחרים שאין הרשות בידו

The Mishnah taught that a master cannot revoke the vows of his servant. This means that although a master can demand that his servant not weaken himself by fulfilling a vow to abstain from a particular food, or by honoring a term of nezirus, nevertheless, the vow or nezirus is still in effect. If the servant is ever released and obtains his freedom, the vow will then have to be observed.

The Gemara opened with a Baraisa which makes a distinction between vows and nazir. "The master can force the servant to violate his vow of nazir, but not with regard to his neder vows or ערכין." The Gemara struggles to understand the distinction made by the Baraisa, until Abaye comes and explains. The master must insist that the servant violate the nezirus and that he drink wine and eat grapes, but if the master does not protest, the servant must observe the nezirus. However, the master need not protest the vow or oath which the servant took not to eat, as the vow or oath is automatically null and void. The lack of validity of the vow is based upon the verse which states that an oath must be "להרע או להטיב—to abstain or to indulge." This excludes any oath which a person is not free to accept upon himself, as is in the case of a servant who may not weaken himself.

The Rishonim ask why may a servant accept upon himself to be a nazir unless the master objects? Is this not a case of a vow to weaken himself, which is not valid? The מפרש explains that the verse (Bemidbar 6:2) adds a special

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## REVIEW and Remember

1. Are non-Jews permitted to offer voluntary korbanos?  
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2. What is the dispute between R' Tarfon and Rabanan?  
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3. Is the master's revocation of his slave's vow permanent?  
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4. What is Shmuel's ruling related to someone who declares his slave ownerless?  
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# HALACHAH Highlight

## When does a non-Jew become an adult?

לאיתווי מופלא סמוך לאיש דעובד כוכבים

To include a non-Jew who is on the verge of adulthood

Rosh<sup>1</sup> writes that the source that a young man, following his bar-mitzvah, can be punished in Beis Din for transgressing a prohibition is Halacha L'Moshe M'Sinai, similar to the many halachos related to measurements, interpositions and walls (שיעורין חציצין ומחיצין) that are also known from Halacha L'Moshe M'Sinai. Chasam Sofer<sup>2</sup> comments that since the halachos transmitted to Moshe on Har Sinai were given specifically to the Jewish People, it emerges that only Jewish men become adults at the age of thirteen. Non-Jews, on the other hand, are considered adults and can be punished in Beis Din as soon as they are mentally competent (ששכלו שלם כראוי).

Some authorities challenge Chasam Sofer from our Gemara that seeks a source that a twelve year old (מופלא סמוך לאיש) non-Jew can make a vow. According to Chasam Sofer a non-Jew can make a vow even earlier than the age of twelve since he is considered an adult as soon as he is mentally competent. Chasam Sofer<sup>3</sup> responded that

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phrase ("ואמרת אליהם") to include a servant's nezirus. Tosafos notes that the verse applies even where the servant has no control of his own situation. However, if the master protests, the nezirus is postponed, as it is not a case of "לאסור אסר על נפש" ■

regarding those halachos that apply to non-Jews it is clear that the measurements – שיעורין – given at Har Sinai do not apply. Nedarim (and arachin) is different because it is not one of the Seven Noahide Laws and non-Jews are included in the laws from an exposition from the repetition of the word איש. This teaches that for this halacha non-Jews are treated the same as Jews.

Sefer Imrei Binah<sup>4</sup> also rules that a non-Jew becomes an adult before he reaches the age of thirteen once he reached mental competence. Rav Yonason Eibeshitz<sup>5</sup> disagrees and maintains that a non-Jew is not considered an adult until he reaches the age of twenty. Rav Aharon Kotler<sup>6</sup> subscribes to a third position, namely, that even a non-Jew becomes an adult at the age of thirteen. ■

1. שו"ת הרא"ש כלל ט"ז סי' א'.
2. שו"ת חת"ס יו"ד סי' ש"יז.
3. שו"ת חת"ס ש"ס.
4. ספר אמרי בינה הל' טריפות סוף סי' ו'.
5. ספר יערות דבש ח"ב דרוש ב'.
6. ספר משנת ר' אהרן כתובות סי' י' אות ה'.

# STORIES Off the Daf

## Eliminating the Middleman

"...לרבות את העובד כוכבים שהן נדרים ונדבות כישראל"

In order to procure funds for Yeshivas Volozhin, Rav Chaim Volozhiner, zt"l, hired a fundraiser. The deal was that the meshulach was paid a certain sum of money in payment of his hard work. Once, a certain potential donor refused to give the meshulach a penny. "I would be happy to give to Rav Chaim Voluzhiner himself since that way I would know my money is going to a good cause. But why should I give you the money? Why should I have to pay a part of the money to you for your efforts?"

On the surface, the man was completely correct. Why should he pay a

meshulach? When the meshulach completed his rounds, he returned to Volozhin and told Rav Chaim the entire story.

Rav Chaim asked for the man's address and went to see him. When the potential donor saw the Rosh Yeshivah at his door he was sure that he had come to receive the donation personally to fulfill his request. Little did he know, that Rav Chaim had not come for this at all. He had a completely different agenda.

After exchanging pleasantries Rav Chaim asked if it was true that he did not want to pay for the meshulach's meager expenses.

"Absolutely," he responded.

"I want you to know that refusing in this way is the custom of gentiles who don't wish to give money to a middleman when they donate money in

their houses of worship. This is unlike Jews who don't mind if a middleman also enjoys a benefit from our money."

Rav Chaim explained to the stricken-looking man, "Although a non-Jew may give animals for נדרים and נדבות as we find in Nedarim 62, we may only bring an olah from his money, since an olah is completely consumed on the altar. We may not accept שלמים from a non-Jew since he cannot comprehend how he gives a sacrifice to Hashem while kohanim or others eat from it as well. He wishes every penny to go to Hashem only. The fact that feeding another is also a holy endeavor does not even cross his mind!" ■

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status of a slave that was declared ownerless.

This suggestion is rejected in favor of an alternative explanation. ■