

This month's Daf Digest is dedicated in memory of
 Rivka Yenta bas Asher Anshel & Yosef ben Chaim haCohen Weiss on 8 and 14th of Elul
 By Mr. and Mrs. Manny Weiss

OVERVIEW of the Daf

1) Violating nezirus prohibitions after the term (cont.)

The Gemara identifies the pasuk that indicates that one would receive lashes for becoming tamei after the term of nezirus is completed but before the exit procedures were followed.

R' Yosi the son of R' Chanina's ruling is successfully challenged.

2) **MISHNAH:** The Mishnah discusses when it is possible to observe two terms of nezirus concurrently and when it is not allowed.

3) The seventieth day

Rav asserts that, in the case described by the Mishnah, the seventieth day can count for his own nezirus as well as the nezirus he observes upon the birth of his son, and he will not be required to observe any additional days of nezirus.

Rav's ruling is unsuccessfully challenged.

The Gemara successfully challenges Rav from the end of the previously-cited Mishnah.

The Gemara seeks to identify the Tanna who agrees with Rav that one day can count as two days.

The suggestion that Rav follows the opinion of Abba Shaul is rejected.

It is suggested that Rav follows the opinion of R' Yosi.

Another quote of R' Yosi is cited in which he seems to reject the principle that part of a day can count for two days.

An alternative explanation of R' Yosi's position in the second Baraisa is suggested and the Gemara does not come to a definitive explanation for R' Yosi's position in that Baraisa.

R' Oshaya issues a ruling that supports the alternative explanation for R' Yosi's position in the second Baraisa.

R' Yochanan disagrees with R' Oshaya's ruling.

R' Yochanan's opinion is challenged. ■

REVIEW and Remember

1. When are two nezirus terms observed concurrently?

2. What is the essence of Rav's position?

3. Why does the Gemara reject the assertion that Rav follows Abba Shaul?

4. What is the dispute between R' Oshaya and R' Yochanan?

Distinctive INSIGHT

Expressions of mourning before the festival

אבא שאול אומר אפילו לא סיפר קודם הרגל מותר לספר אחר הרגל,
 שכשם שמצות שלשה מבטלת גזירת שבעה כך מצות שבעה מבטלת
 גזירת ל'

Tosafos notes that Abba Shaul disagrees with the Chachamim in two regards. Tanna Kamma holds that the period of שלשים is only cancelled if the mourner actually cut his hair before the festival. Abba Shaul holds that being that the mourner was legally allowed to cut his hair, the period of שלשים is cancelled with the onset of the festival, even if he did not actually cut his hair.

The תפארת ציון provides a fascinating explanation of the underlying basis for the argument between Abba Shaul and Chachamim. He says that it can be explained in the light of the Midrash in Bereshis Rabba (67) which discusses the nature of mourning. One opinion explains that the surviving family members observe a period of mourning for the sake of the departed. The expressions of sadness and sorrow serve to lighten the pain and travails of the judgment process which the one who has left this world must contend with. The other view is that mourning is designed for the benefit of those who are living. When one of the members of a family dies, an aura of judgment hovers over the remaining immediate relatives. Hashem commands them to mourn the loss of their loved one in order to provide them with a mitzvah to protect them from this judgment.

In our Baraisa, we can say that Tanna Kamma understands that the nature of mourning is to service the living. If the surviving relatives honor the festival by making an effort to preparation for the holiday by grooming themselves, this is in and of itself a great merit. Accordingly, anyone who actually cuts their hair will merit to be protected from the scrutiny of justice which is hovering above the family. For this person, the period of שלשים is cancelled for him. Abba Shaul, however, is of the opinion that the period of mourning is for the sake of the one who died. He therefore holds that the reason the festival cancels the שלשים is that during the Yom Tov, the severity of judgment for those who have died is lessened, and there is no need for the relatives to observe an intense period of sadness at this point. Therefore, the matter does not depend at all on whether the relatives actually cut their hair or not. This is why Abba Shaul holds that the שלשים is cancelled even if the relatives did not cut their hair. ■

HALACHAH Highlight

Observing different obligations concurrently

הריני נזיר לכשיהא לי בן ונזיר מאה יסום נולד לו בן עד שבועים לא הפסיד כלום

"I will be a nazir when I have a son and I am a nazir for the next one hundred days." If his son is born before he reaches the seventieth day he loses nothing.

The Mishnah discusses a person who declares that he will be a nazir when he has a son and he will be a nazir, effective immediately, for one hundred days. If he has a son before he has counted the seventieth day the two nezirus periods are observed, according to Tosafos¹, concurrently, and when he completes the one hundred days of his nezirus he will bring two sets of korbanos, one for himself and the other for the birth of his son.

Poskim discuss different applications of this principle. Mordechai² discusses a case of a person who on the third day of mourning lost another relative. This person completed the seven days of mourning for the first relative and then observed another seven days for the second relative not wanting the four overlapping days to apply to both relatives. Mordechai suggested that the rationale behind this position comes from our Gemara that allows concurrent observance only when the second period completely overlaps with the

first period. If, however, the second period will extend beyond the first period, like this case of mourning, the principle does not apply and each period must be observed separately. Mordechai disagrees with this practice and maintains that the two mourning periods do overlap and he only counts seven more days from the burial of the second relative.

Another application of this principle is discussed in Shiltei Giborim³ regarding fasting. A person vowed to fast for forty days and a public fast fell within those forty days. Does fasting on that day count towards his personal vow to fast for forty days or not? Shiltei Giborim wrote that based on our Gemara it is evident that one could be credited for two obligations that could be observed concurrently. He adds, however, that the second obligation must be completely absorbed by the first. Thus if a person made a commitment to fast for forty days and these forty days coincided with Aseres Yimei Teshuvah (during which he fasted), he can only observe both fasts concurrently if the forty days extends beyond the Aseres Yimei Teshuvah. If the forty days ends, for example on the fifth day of Tishrei he is not credited for both and will be obligated to complete his commitment to fast for forty days. ■

1. תוס' ג ד"ה הריני
2. מרדכי מו"ק סי' תתקכ"א
3. שלטי גיבורים שבועות ט. אות א' ■

STORIES Off the Daf

A house divided

לא הפסיד כלום

A man once sold half his property to one Jew and the other half to another. The two buyers made a contract between them. In the contract they agreed to be partners for the time being but reserved the right to split up the house equally whenever they wished. The contract ended with the statement, "This entire agreement does not limit any of the rights of either side."

One of the partners sold his share to his brother. The other partner was unhappy, but he didn't want to split the house down the middle since the construction for such a job was expensive.

The original remaining partner decided to present the purchaser with the halachic proposition of גוד או אגוד which means, "either buy me out or allow me to buy you out."

The brother of the other partner, who was now the new owner, was not interested for many reasons. First of all, he was comfortable in the house and his entire livelihood was in the house. Second of all, this would inconvenience his mother, an elderly widow who lived there since the brother had bought into the house. He also had some old debts and if he received money for the house, his debtors would take everything.

His partner started legal proceedings to pressure the poor man to capitulate. The poor man summoned his erstwhile partner to a din torah which reached the Maharsham, zt"l. After hearing the entire

story, the Maharsham said, "It seems clear that neither side ever had a right to claim 'gud oh agud.' The stipulation at the end of the contract didn't mean to include this right. The proof of this can be found in Nazir 15 which discusses the case of one who declared himself a nazir if he had a son and a nazir for 100 days. If he had a son until the seventieth day of his nezirus, he can do the last thirty days of his 100 and the declaration to be a nazir after his son's birth at the same time. The language of the gemara is that he didn't lose anything. Tosafos explains that this language means he didn't lose, but he didn't gain. The same is true of your case. Writing that they are not limited does not imply any additional rights, just that neither would lose. Clearly, neither party may invoke 'gud oh agud!'" ■

