

OVERVIEW of the Daf

1) Clarifying the structure of the Mishnah (cont.)

In response to the last challenge concerning the structure of the Mishnah the Gemara answers that there is no uniform style that is followed and sometimes the Tanna will explain the last topic and sometimes the first topic.

Alternatively, the Tanna began with נדריים since they are Biblical but began his explanation with ידות since that is derived from an exposition and is thus dearer to the Tanna.

This explanation is successfully challenged and the Gemara suggests that the earlier-mentioned inserted clause should be added to the beginning of the Mishnah so that the Mishnah begins with the topic of ידות and explains that topic first as well.

2) ידות

The source for the effectiveness of partial declarations is identified.

The necessity for the היקש between nedarim and nazir to teach the principle of partial declarations is challenged when seemingly the same phrase appears in the context of nedarim.

The Gemara explains why the similar phrase in Nedarim could not teach that principle.

This explanation seems to fit only one position concerning
(Continued on page 2)

REVIEW and Remember

1. Why would the Tanna explain specifically the case of ידות first?
2. What halachos are derived from the היקש between nedarim and nezirus?
3. Explain נזירות חל על נזירות.
4. Which prohibitions are violated when a person vows to become a nazir and drinks wine?

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Distinctive INSIGHT

Delays in giving tzeddakah

בל תאחר דנזירות כהיכי משכתחת לה... אמר רבא כגון דאמר לא איפטר מן העולם עד שאהא נזיר

The halacha of בל תאחר is that one is prohibited to delay fulfillment of one's pledges. Ran explains that although this halacha appears primarily in reference to fulfillment of the promise to offer a קרבן, and it teaches that a person who commits to offer a קרבן must do so within three festivals of when he makes his promise (Rosh Hashana 4a), this halacha also has application in other areas of verbal commitments, such as when a person declares that he will observe nezirus. The parameters of how בל תאחר applies to nezirus are presented in our Gemara.

In Massechta Rosh Hashana (6a), Rava rules that when a person pledges to give tzeddaka, the law of בל תאחר applies immediately if the person does not redeem his pledge and give the tzeddaka right away. Tosafos there questions why this should be the case, as the Baraisa (ibid., 4a) lists tzeddaka among the items for which a person is not in violation of בל תאחר until the passage of three festivals. Tosafos answers that if there are poor people present, it would immediately be prohibited to withhold the funds. If there are no poor people present, the speaker would have up until three festivals to give the money.

Rashba disputes Tosafos. The verse from which we learn the prohibition against delaying the fulfillment of one's commitments features phrases referring to קרבנות as well as tzeddaka and פאה. It is not logical to say that the parameters of this halacha change from one item to the next. If one has up until three festivals to fulfill his pledge to bring an offering, the same should apply to tzeddaka, as well. Another difficulty would be that people living in Yerushalayim, who have immediate access to the Beis Hamikdash, should be liable for delays in bringing their offerings even before the passage of three festivals.

Therefore Rashba learns that when Rava says that regarding tzeddakah that one must give it immediately, this is in order to fulfill the positive precept of "That which you pronounce with your mouth you shall keep," (Devarim 23:24). However, a person would not be in violation of the negative command of בל תאחר until three festivals have passed. ■

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HALACHAH Highlight

Making a Shehecheyanu on a new fruit during the Three Weeks

לא איפטר מן העולם עד שאהא נזיר דמן ההיא שעתה הוה ליה נזיר
 "I will not leave this world without being a nazir." From that moment he is a nazir

Rambam¹ rules that one who takes a vow that he will not leave this world without observing a period of nezirus becomes a nazir immediately. The reason he is obligated to immediately observe a period of nezirus is the fear that he may die and will not fulfill his vow to be a nazir.

Shulchan Aruch² writes that it is appropriate to refrain from reciting the beracha of shehecheyanu on new clothing or fruit during the three weeks. The reason, explains Mishnah Berurah³, is that the period between shiva asar b'Tamuz and tisha B'Av are tragic times and it is inappropriate to recite the beracha of shehecheyanu during that period. Rema⁴ adds that if there is a new fruit that is not commonly found and there is a concern that if one waits until after the three weeks it will no longer be obtainable it is permitted to make the beracha of shehecheyanu even during the three weeks.

Rav Dovid Halevi⁵, the Taz, writes that the rationale of the Rema could be extended an additional step. If the concern that the new fruit will no longer be available after the three, weeks is reason to allow making a shehecheyanu on a new fruit there should be a general leniency to permit making a shehecheyanu due to the concern that perhaps the person will die before the three weeks passed. This extension is based on our Gemara which out of concern that a person may die mandates the person to observe nezirus immediately. Rav Chezkiyah Medini⁶, the Sdei Chemed, disagreed with this conclusion by noting that the two cases are not parallel. The only time halacha recognizes

(Overview. Continued from page 1)

the general topic of whether the Torah utilizes the language used by man.

The method by which the principle of partial declarations is derived is explained in a way that accommodates the differing opinions about this matter.

3) "Do not desecrate"

The earlier assertion of the Baraisa that one violates the prohibition against desecrating one's word by nezirus is challenged since any violation of one's nezirus violates other prohibitions.

The Gemara answers that one who violates his nezirus is in violation of numerous prohibitions including the prohibition against desecrating one's words.

4) Delaying fulfillment

The earlier Baraisa also asserted that the prohibition against delayed fulfillment - **בל תאחר** - applies to nezirus. The Gemara inquires when this case would apply.

Rava gives an example of when the prohibition could be applied to nezirus and offers a proof to this explanation. ■

a concern that a person may die is if his death will result in the violation of a prohibition, like the case in the Gemara. Since the person committed to observe a period of nezirus, if he never observes that period he will have violated his commitment. On the other hand, if the person's death will not produce a transgression, like in the case of making a shehecheyanu on a new fruit, halacha is not concerned with the possibility that one may die and thus he prohibits making a shehecheyanu during the Three Weeks out of that concern that the person may die. ■

1. רמב"ם פ"א מהל' נזירות ה"ד
2. שו"ע או"ח סי' תקנ"א סע' י"ז
3. מ"ב שם ס"ק צ"ח
4. רמ"א שם
5. ט"ז שם ס"ק י"ז
6. שדי חמד מערכת ח' כלל קל"ח ובפאת שדה מערכת ח' כלל ב' ■

STORIES Off the Daf

The hasty oath

לא אפטר מן העולם עד שאהא נזיר

A certain man swore in front of witnesses that he will prepare or invite his daughter for her nisuin. It was obvious that he meant to swear to marry her off.

After he cooled down, he wondered what exactly he had done. This question was submitted to the Rivash, zt"l, who responded, "Despite the fact that he gave no time limit and one does not transgress

a vow unless one fails to fulfill the terms of the vow within the time limit, this man's oath takes effect immediately. He is obligated to make every effort from this moment onward until his vow is fulfilled. The reason why he may not slacken but must make every effort is that he is duty-bound to fulfill his vow before a time or circumstance arises that could render his vow impossible to fulfill. Perhaps he will die before her marriage, and will have to go to judgment having failed to fulfill his oath?

The Rivash explained further, "This is similar to the Gemara in Nedarim 3b that

states that one who made a vow that he will not die without becoming a nazir must immediately assume all the obligations of nezirus. If he waits, he transgresses the prohibition of **בל תאחר**, which means that one may not put off that which one is obligated to fulfill.

The Rivash concluded, "In our case, the father doesn't have the ability to marry off his daughter before finding a suitable match, and making all the preparations for the wedding. Even so, he must certainly make every effort to bring about the nisuin with minimal delay!" ■

