



OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah cites further examples of partial declarations.

2) **“Like the vows of the wicked”**

The Mishnah’s ruling that a person who declares, “Like the vows of the wicked,” has made a valid vow is challenged.

Shmuel explains that the Mishnah refers to the case where the person added an additional phrase to his vow and each phrase will produce a different result.

The different examples cited by Shmuel are clarified.

3) **Nedarim and Nedavos**

The Gemara wonders who is our Tanna who distinguishes between nedarim and nedavos since the Mishnah does not seem to follow R’ Meir or R’ Yehudah cited in a Baraisa.

The Gemara demonstrates how the Mishnah could be consistent with R’ Meir.

This assertion is unsuccessfully challenged.

The difference between a neder and nedavah is questioned.

Hillel’s practice is cited as a nedavah that is laudable.

A Baraisa recounts an incident in which R’ Shimon discusses eating from the asham of a nazir who became tamei. This incident is recorded as an example of a positive nezirus nedavah.

The reason R’ Shimon refrained from eating a nazir’s asham rather than ashamim in general is explained.

The suggested distinction is unsuccessfully challenged. ■

REVIEW and Remember

1. Why does the phrase כנדרי רשעים create a binding vow?

2. What is the dispute between R’ Meir and R’ Yehudah concerning making vows?

3. How did Hillel the Elder assure that me’ilah would not be committed with his animal?

4. What were the circumstances that led Shimon HaTzadik to eat the Korban Asham of a Nazir who became tamei?

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 The Feder and Rubinoff families
 in memory of their father
 ר' לוי יצחק בן ר' אליעזר פעדער, ע"ה

Distinctive INSIGHT

Do the upstanding (כשרים) ever utter oaths?

כנדרי כשרים לא אמר כלום

The Shita Mikubetzes writes in the name of רנב"י that upstanding persons are those who are God-fearing and are therefore careful that no mishaps or misdeeds come about to themselves or to others. They do not accept upon themselves a commitment of nazir, because this condition demands that a person conduct himself with great care and avoid situations which are difficult to maintain. They also do not make declarations for tzeddakah or to bring offerings, whether from a personal perspective (“I will bring this animal...”) nor in terms of the object (“This animal will be brought as an offering.”). This honorable person is cautious not to declare promises that might not be fulfilled. When he wants to give tzeddakah or to offer a קרבן, he gives it without any prior statements announcing his intent. He is also careful not to pronounce an oath.

Therefore, when anyone says he will honor an oath “according to the manner of the כשרים,” in effect, he has declared that the oath is void, as the כשרים do not make these type of statements.

Rambam writes (Hilchos Nedarim 1:26) that upstanding individuals do not take oaths to prohibit things or out of anger. Lechem Mishnah explains that Rambam means to say that a כשר will utter an oath when his intent is to focus his actions (for a mitzvah) or in order to correct his ways, as in these situations an oath can be constructive and helpful.

Rashba cites the Midrash (Bereshis 70:1) which teaches that if a person finds himself in a crisis, he should pronounce an oath, as Yaakov Avinu did when he was about to sojourn in the house of Lavan. Why, then, does our Mishnah tell us that כשרים never utter oaths?

Rashba answers that Yaakov’s oath was not a formal acceptance of a vow, but rather an expression of thanks and appreciation. Yaakov expressed his trust and confidence that Hashem would protect him and return him safely to Eretz Yisroel.

Tosafos in Chullin (ב: ד"ה אבל) writes that it is laudable to make an oath in a time of crisis. העמק שאילה explains that when a person finds himself in a predicament, he can add to his merits by promising to do a mitzvah. Otherwise, if a person is able to do the mitzvah immediately, a verbal promise is usually avoided by a כשר. ■

HALACHAH Highlight

Kissing a Rebbi in shul

מיד עמדתי ונשקתי על ראשו

I immediately stood and kissed him on his head

Rema¹ rules that it is prohibited for a man to kiss his young children in shul. The reasoning behind this restriction is to instill in one's heart that there is no love that compares to the love one is to have for Hashem. Rav Moshe Feinstein² suggested an interesting interpretation of this halacha. Rav Feinstein maintains that the restriction against kissing a child in shul only applies during davening but it is permitted to kiss a child in shul if it is not during tefilah. To prove his point he notes that Rema cites this halacha in the section of laws related to davening rather than in the section that relates to halachos of shul. He also cites our Gemara as proof to this assertion. The Gemara relates that Shimon Hatzadik became so excited when he spoke with one particular nazir that he stood up and kissed him on the head. It is clear that the incident took place in the Beis Hamikdash, which serves as the model for the halachos related to the sanctity of a Beis Haknesses and Shimon Hatzadik still felt comfortable kissing him there. This clearly indicates that the restriction is

not related specifically to the place, whether the Beis Hamikdash or a Beis Haknesses, but rather it is related to what is happening in that place.

Teshuvos Beis Yisroel³ questions the practice found in some communities of students kissing their Rebbi in shul since it seems inconsistent with Rema's ruling. He suggests that there is a distinction between a kiss of honor and a kiss of love. The restriction of the Rema is limited to cases where the kiss demonstrates love but if the kiss is to show honor, especially from a child to a parent or a student to a teacher, it is permitted because such a kiss does not contradict the love one has for Hashem. Using a similar approach Rav Yosef Chaim of Baghdad⁴, the Ben Ish Chai, discusses the practice of kissing the hand of others after they are called to the Torah. He distinguishes between those people one is obligated to honor and those that one is not obligated to honor. It is permitted to kiss the hand of those one is obligated to honor since honoring those people also gives honor to Hashem but it is prohibited to kiss the hands of people one is not obligated to honor since it is inappropriate to give honor to others in a place dedicated to the honor of Hashem. ■

1. רמ"א או"ח סי' צ"ח סע"א
2. מובא דבריו בספר ברכת חנוך סי' ג'
3. שו"ת בית ישראל (לאנדא) ח"א סי' ט'
4. בן איש חי ש"ר פרשת ויקרא סע' י"א ■

STORIES Off the Daf

The Nazir's resolve

העבודה שאגלך לשמים

Rav Doniel Movshovitz, Hy"d, the Rosh Talmid Torah of Kelm, would give very powerful shmuessen. His words would literally pierce the heart of his listeners and inspired them to strive to reach great spiritual heights. Rav Simcha Zissel Broide, zt"l, the Rosh Yeshivah of Chevron, would repeat one particular lesson virtually every year. This was not a simple lecture. It had made a very powerful impression on him during his younger years that lasted his entire life.

Rav Broide would recount, "The

Gemara in Nedarim 9b relates that Rav Shimon HaTzaddik never ate from the asham of a defiled nazir except on one particular occasion. He saw a Nazir with luxuriant hair and asked him what had caused him to become a nazir and commit to shave his hair at the end of his period of nezirus? The man responded that he was once walking along and noticed his handsome reflection in a pool of water. Immediately, his yetzer tried to make him feel pride in his comeliness. He said to his yetzer, 'Wicked one! Why should you be happy with a world which is not really yours, housed in a body that is destined to be devoured by worms? Ha'avodah! I will cut you off for the sake of Heaven!'

Rav Broide continued, "Now, what

made this nazir so much greater than so many others? Rav Doniel compared this to a king who saw a bunch of children playing a certain game which the king had always enjoyed as a child. Seeing them made him feel nostalgic and gave him much pleasure, but those feelings would never impel him to lower himself into the mud and play with them. Why not? Because romping in the mud would be completely below him! It would be unthinkable. So too, our nazir did not hesitate for a second to remove the object of pride that could impede his service of Hashem. It was this razor-sharp sensitivity to any threat to his spiritual life and his iron resolve to remove it that set him apart from all others. He would go to any lengths to prevent failure!" ■

