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Nedarim Daf 3

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Order of Explanation

The *Gemora* (2b) had asked: The *Tanna* began the *Mishna* by stating the *halachah* of substitute terms, and yet, he first explained the halachos of *yados*, a handle to a vow (*a partial declaration*); why was it done in that manner?

The *Gemora* offers an alternative answer: The *halachah* that a partial declaration is effective is not an obvious one; it is derived through a Scriptural exposition. It is for this reason that the *Tanna* explains it first.

The *Gemora* asks: If so, why didn't the *Tanna* teach this *halachah* first?

The *Gemora* answers: The *Tanna* presents the *halachah* of substitute terms first because it is an obvious Biblical concept (*and then it presents the halachah of yados*). However, the *Tanna* explains the *halachah* of *yados* first since it is derived through a Scriptural exposition (*and it is a halachah which needs to be clarified*).

The *Gemora* asks: This is understandable according to the opinion that the substitute terms are actually foreign terms (*for vows; and therefore, it is indeed obvious that the vow will take effect, for one may pronounce a vow in any language*). However, according to the opinion that these substitute terms were instituted by the Sages, what is there to say (*since it is quite a novelty that the Sages created these terms and the vow would be Biblically valid*)?

The *Gemora* retracts from its initial answer and asks: Does the *Mishna* actually teach the laws of *yados*, a handle to a vow (*a partial declaration*) explicitly? [No, it does not!] Rather, it is as if there are missing words in the *Mishna*, and (once we need to insert words) we advance the segment dealing with partial declarations and then we taught the laws of substitute terms, and the *Mishna* should read as follows: All handles to a vow are effective just as a genuine vow and all substitute terms for vows are effective just as a genuine vow. And these are cases of partial declarations: If one says to his friend, "I am vowed from you" etc. And these are substitute terms: *konam, konach or konas*. (*Accordingly, yados are mentioned first and explained first as well.*) (3a1)

Comparing Vows to Nezirus

The *Gemora* seeks to locate the Biblical source that a partial declaration is effective. It is written: *A man...who shall disassociate himself by vowing a neder as a nazir to abstain for the sake of Hashem*. The *Gemora* cites a *braisa*: *As a nazir to abstain* – this indicates that substitute terms of nezirus are effective just as an actual vow of nezirus, and that partial declarations of nezirus are effective just as actual vows of nezirus. This, however, is only known by nezirus; how do I know to apply this to vows as well? It is therefore written: *A man...who shall disassociate himself by vowing a neder as a nazir to abstain for the sake of Hashem*. We compare with a *hekeish* (*halachos that are taught regarding one subject apply to another one as well*) the laws of *nezirus* with the laws of vows, and the laws of vows to the laws of nezirus.



Just as a partial declaration is effective for *nezirus*; so too, a partial declaration would be valid for a vow. And just as one who violates a vow has transgressed the commandment of *not to desecrate*, or if he postpones the fulfillment of his vow, he has violated the commandment of *not to delay*; so too, these prohibitions apply to *nezirus* as well. And just as a father may revoke his daughter's vow and a husband revokes his wife's vow; so too, a father may revoke his daughter's *nezirus* and a husband may revoke his wife's *nezirus*.

The *Gemora* asks: Why is the *hekeish* necessary? It is written regarding *nezirus*: *Nazir lehazir*, as a *nazir* to abstain. The double expression teaches us that a partial declaration is valid by *nezirus*. By a vow, there is also a double expression! For it is written: *Lindor neder*, by vowing a *neder*. Why don't we expound this double expression to teach us that a partial declaration by a vow is effective?

The *Gemora* answers: If it would be written: "A *neder* by vowing" (*where the noun comes before the verb*), we would expound the expression in that manner (*similar to the way it is written by nezirus: As a nazir to abstain*). However, since it is written: *By vowing a neder*; the Torah speaks in a manner commonly used by people (*and therefore, there is nothing to infer*).

The *Gemora* asks: This is well according to the opinion who holds that the Torah speaks in a manner commonly used by people; however, according to the opinion who disagrees, what does he do with the double expression of "*lindor neder*"?

The *Gemora* answers: He uses this expression to teach us that a partial declaration by a vow is effective, and then, we use the *hekeish* to teach the *halachah* of *yados* by *nezirus* as well.

If so, the *Gemora* asks: What is derived from the double expression by *nezirus*?

The *Gemora* answers: This is to teach us that a *nezirus* can take effect upon another *nezirus* (*a standard vow of nezirus means for thirty days; if one vows to become a nazir today, and then repeats the same vow, he is a nazir for sixty days*).

The *Gemora* asks: And according to the opinion who holds that the Torah speaks in a manner commonly used by people, and he uses the double expression written by *nazir* to teach us that a partial declaration is valid, how does he know that a *nezirus* can take effect upon another *nezirus*?

The *Gemora* notes: It would be well if he would hold that *nezirus* cannot take effect upon another *nezirus*; however, if he maintains that it does take effect, where does he know it from?

The *Gemora* answers: The Torah could have used the term "*lizor*." By the fact that the Torah wrote "*lehazir*," we can derive both halachos (*a partial declaration is valid and that a nezirus can take effect upon another nezirus*).

[An alternative answer] In the West, they said: There is a Tanna who derives partial declarations (that they are indeed effective) from the verse: *by vowing a neder*, but there is a Tanna who derives it from a different verse (namely): *according to whatever comes from his mouth shall he do*. (3a2 – 3b1)

Desecrating his Word

The *Gemora* cites the *braisa* mentioned above: And just as one who violates a vow has transgressed the commandment of *not to desecrate*, or if he postpones the fulfillment of his vow, he has violated the commandment

of *not to delay*; so too, these prohibitions apply to *nezirus* as well.

The *Gemora* asks: It is understandable how one can violate the prohibition of *not to desecrate his word*; if one would invoke a vow that this bread he will eat, and he does not eat it, he has desecrated his word. But how would it apply by *nezirus*? If one says, "I am a *nazir*," he is automatically a *nazir*! If he eats grapes or drinks wine, he has violated the prohibition of a *nazir*!?

Rava answers: He has violated two prohibitions (*desecrating his word and the special prohibitions applicable to a nazir*). (3b1 – 3b2)

Delaying his Nezirus

The *Gemora* asks: How does one violate the prohibition of *not to delay* by *nezirus*? If one says, "I am a *nazir*," he is automatically a *nazir*! If he eats grapes or drinks wine, he has violated the prohibition of a *nazir*, but he has not delayed!?

The *Gemora* attempts an answer: In a case where one says, "When I want, I shall become a *nazir*" (for in this case, it does not take immediate effect).

The *Gemora* disagrees: If he said, "When I want," there is no prohibition of 'delaying' (for it up to his whim).

Rava answers: It is applicable in the following case: If one says, "I will not leave this world without becoming a *nazir* first," he has an obligation from that moment on to become a *nazir*. (*Since he might die at any moment, he is required to become a nazir immediately; otherwise, he is delaying.*)

Rava cites proof to this concept from the following *halachah*: If a *Kohen* says to his wife: "Here is your *get* on the condition that it should take effect one moment

before my death," she is forbidden from eating *terumah* immediately because we are concerned that he will die the next moment. This same logic applies in this case of *nezirus* as well. We are concerned that he will die at any moment; therefore, he is obligated to become a *nazir* immediately. (3b2 – 3b3)

Quick Summary

* Why is the *halachah* of *yados* explained first?

Since it is derived through an exposition. Or because the *Tanna* mentioned *yados* first as well.

* What are the substitute terms for a vow?

Either they are foreign terms, or they are terms instituted by the Sages.

* Which of those explanations would be more obviously effective?

If they are foreign terms.

* Does the Torah speak in in a manner commonly used by people?

This is a matter of dispute.

* What is the *halachah* if one vows to become a *nazir* today, and then repeats the same vow?

If you hold that *nezirus* may take effect upon *nezirus*, he is a *nazir* for sixty days; otherwise, he is a *nazir* for thirty days.

* How does one transgress the prohibition of *not to desecrate his word* by *nezirus*?

If he eats grapes or drinks wine, he has violated that prohibition and the special *nezirus* prohibition.

* How does one transgress the prohibition of *not to delay* by *nezirus*?

If one says, "I will not leave this world without becoming a *nazir* first," he has an obligation from that moment on to become a *nazir*.

INSIGHTS TO THE DAF

The Ra"n Elucidated

Delaying his Nezirus - The *Gemora* asks: How does one violate the prohibition of *Not to delay* by *nezirus*? If one says, "I am a *nazir*," he is automatically a *nazir*! If he eats grapes or drinks wine, he has violated the prohibition of a *nazir*, but he has not delayed!?

Rava answers: It is applicable in the following case: If one says, "I will not leave this world without becoming a *nazir* first," he has an obligation from that moment on to become a *nazir*. (*Since he might die at any moment, he is required to become a nazir immediately; otherwise, he is delaying.*)

Rava cites proof to this concept from the following *halachah*: If a *Kohen* says to his wife: "Here is your *get* on the condition that it should take effect one moment before my death," she is forbidden from eating *terumah* immediately because we are concerned that he will die the next moment. This same logic applies in this case of *nezirus* as well. We are concerned that he will die at any moment; therefore, he is obligated to become a *nazir* immediately.

The *Ran* explains that there is a distinction between the two cases. If she would eat *terumah* and her husband wouldn't die, she has not violated any prohibition. However, he is obligated to become a *nazir* immediately, and if he does not, he has violated the prohibition against delaying (*even though he didn't die yet*). This is because it is as if he said, "It is upon me to become a *nazir* in a manner that there is no concern that I will not be able to fulfill this vow of *nezirus* before I die."

He asks: When an individual makes a vow to bring an offering, he is not regarded as delaying the fulfillment of his vow, unless three festivals have passed. Shouldn't we allow the person to become a *nazir* within three festivals; why is he immediately regarded as procrastinating?

He answers: If one vows that he will bring an offering immediately, he is required to bring it immediately. If he procrastinates at all, he is regarded as delaying and he has violated the prohibition against delaying. He is only allowed to wait three festivals if he vowed to bring an offering without imposing any deadline. Here, we interpret his *nezirus* vow to mean that he wants to become a *nazir* immediately; any delay will be regarded as violating the terms of his vow.

A Vow to Eat

The *Gemora* states: It is understandable how one can violate the prohibition of *Not to desecrate his word*; if one would invoke a vow that this bread he will eat, and he does not eat it, he has desecrated his word.

How can this be a valid vow; did we not learn previously (2b) that a vow is when one prohibits the object upon himself; a vow to perform an action should have no validity?

Reb Akiva Eiger adds: The Ran cited the opinion of the Ramban who maintains that if one pronounces a vow using the language of an oath (*I make a vow not to eat this bread*) or he takes an oath using the language of a vow (*This bread is forbidden to me by an oath*), even though it is not regarded as a basic type of vow, it does take effect on account of being “a handle of a vow.” It is a partial declaration and he will be prohibited from eating the bread. However, that is only if his intention is to prohibit the object upon himself, but it cannot be regarded as a partial declaration of a vow if he is saying that he vows to eat this bread?

He concludes: May Hashem enlighten my eyes.

The Chasam Sofer explains the case as follows: He said, “This bread should be forbidden to me if I do not eat this other bread.” He went ahead and ate the first loaf of bread. The *halachah* would be that he is obligated to eat the second bread, for if he does not eat it by the conclusion of the day, he would have retroactively desecrated his word by eating from the first one.

Concern for Death

In Shulchan Aruch (O”C 568:3) it is ruled that if one vows to fast a certain amount of fasts, he is permitted to wait until the winter when the days will be shorter.

The Magen Avraham asks: Shouldn’t the *halachah* be that he is required to fast immediately, for perhaps he might die? He proves that we are concerned for death in respect to a vow from our *Gemora*.

DAILY MASHAL

Scholar’s Relationship to God

The Gemora in Bava Basra (74a) states: I heard that a Heavenly Voice proclaims: Woe is to Me that I took an oath (against the Jewish people), and now that I took this oath, who will revoke it for Me?

The Toras Chaim asks: “Revoke” is an expression used with respect of a husband and a wife; regarding a scholar, the term used is “annul.” Accordingly, the proclamation should have said: and now that I took this oath, who will annul it for Me? For Hashem is asking: Who is the scholar that will annul this oath?

He answers that the relationship between Hashem and the righteous is that of a husband and a wife, and that is why Moshe Rabbeinu is referred to as a “Man of God.” The Holy One, Blessed be He issues a decree and a tzadik can revoke it through his prayers and in his merit. This is similar to a wife, where the husband can revoke her vows.