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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

### **Delaying Nezirus**

The *Gemora* had asked (3b): How does one violate the prohibition of *Not to delay* by *nezirus*? If one says, “I am a *nazir*,” he is automatically a *nazir* (*one who must abstain from wine and contact with dead people in a way where one becomes impure*)! If he eats grapes or drinks wine, he has violated the prohibition of a *nazir*, but he has not delayed!?

Rav Acha bar Yaakov answers: It is applicable in a case where he vowed to become a *nazir* while he was in a cemetery (*he is obligated to leave the cemetery, become pure and then accept the nezirus upon himself; if he procrastinates, he has violated the prohibition against delaying*).

The *Gemora* asks: This is understandable according to the opinion that if a person commits to becoming a *nazir* while in a cemetery, his period of *nezirus* does not start right away. However, according to the opinion that it does start right away, how will one ever have a case where he transgresses the prohibition against delaying the fulfillment of one’s vows (“Bal Ti’Acher”) regarding *nezirus*?

Additionally, didn’t Mar bar Rav Ashi say: He certainly becomes a *nazir* right away. The only argument (*see Nazir 16b*) is whether or not he receives lashes for his immediate transgression.

The *Gemora* answers: The prohibition against delaying the fulfillment of one’s vows is still applicable in the above case, as the *nazir* is delaying the fulfillment of his becoming a pure *nazir* (*as he is immediately desecrating his vow*).

Rav Ashi says: Since the above answer is true, any *nazir* who purposely becomes *tamei* transgresses the prohibition against delaying his vow in respect to his becoming a pure *nazir*.

Rav Acha the son of Rav Ika answers: He transgresses the commandment in respect to his haircut (*a nazir, upon completion of his nezirus is required to shave his head; if he procrastinates and does not perform this haircut immediately, he is delaying the fulfillment of his vow*). This is not only according to the opinion that a *nazir* absolutely must shave off his hair after fulfilling his time as a *nazir* (*or else he remains a nazir*), but even according to the opinion that it is not absolutely essential, he is delaying fulfilling the *mitzvah* of shaving off his hair.

Mar Zutra the son of Rav Mari says: A *nazir* transgresses the prohibition of delaying his vow by not bringing his sacrifices at the appropriate time.

The *Gemora* asks: This is learned from here (*from the hekeish from nedarim*)? Do we not derive this *halacha* from the following verse: “for He will surely seek,” which refers to not delaying the bringing of the *korban*

*chatas* and a *korban asham* (obligatory sacrifices usually brought to atone for various sins)?

The *Gemora* answers: One might think that *nazir* is a novel law (and the standard prohibition regarding the delaying of the *korbanos* would not apply).

Why is *nezirus* regarded as a novel law? If you say it is because a person cannot merely vow to bring a *korban chatas* brought by a *nazir* (he has to be a *nazir* to bring one, unlike most offering which one can obligate himself to bring), this is not a unique attribute of a *chatas nazir*! Every *chatas* can only be brought if someone commits a sin requiring it to be brought; not merely because someone pledges to bring a *chatas*! Yet delaying the bringing of a *chatas* transgresses the prohibition of delaying the fulfillment of vows. Why should a *chatas nazir* be different? One might think that since a person who accepts to be a *nazir*, even if he only specifies that he wants to be a *nazir* for (being prohibited to eat) grape-seed (and not for any of the other *halachos*), is nevertheless a *nazir* for everything; and therefore, it might not be included in the prohibition against delaying one's vows. The Torah therefore specifically tells us otherwise.

The *Gemora* asks: This is understandable according to the opinion that someone who says he is a *nazir*, even for grape-seed, is a *nazir* for everything. However, according to Rabbi Shimon who disagrees and maintains that a person must vow to be a complete *nazir* in order to have all of the restrictions of a *nazir*, what is there to say (in answer to our question of why we need a special *passuk* for *nazir*)? Additionally, the entire logic of the previous answer seems strange, as this is a reason that *nazir* is more stringent than most things (and it should therefore be more reason to say *nazir* is included in this prohibition)! What, therefore, is

the novelty of *nazir* which leads us to think it would not be included in this prohibition of delaying vows?

The *Gemora* answers: One might think that since a *nazir* who shaves off his hair after bringing any one of the three *korbanos* brought by a *nazir* has fulfilled his vow (although he is still obligated to bring the remaining *korbanos*), it is possible that the prohibition of delaying vows does not apply to *nazir*. The *hekeish* therefore teaches us that it does.

Alternatively (the *Gemora* continues), one can answer that its novelty is as stated originally that a *chatas nazir* cannot be pledged to be brought as a vow. When we asked earlier that this is a trademark of all *chatas* offerings, it is possible to answer that all other *chatas* offerings are obviously not brought because they are pledged, as they are obligated to be brought to atone for a sin. However, why is a *korban chatas* of a *nazir* brought? [One might therefore have thought the prohibition of delaying vows does not apply to it, which is why the *hekeish* is needed.]

The *Gemora* asks: The *korban chatas* of a woman who gives birth is also not brought for a sin that she committed, but nonetheless we know the prohibition for delaying vows does apply to her *korban chatas*. [Why should a *korban chatas* of a *nazir* be different?]

The *Gemora* answers: Her *korban chatas* is still different than that of a *nazir*, as it enables her to eat *kodoshim* (*korbanos*, which she was unable to eat beforehand and is a *mitzvah*). (4a – 4b)

### **Annuling Nezirus**

The *Gemora* had stated (3a): And just as a father may annul his daughter's vow and a husband annuls his

wife's vow; so too, a father may annul his daughter's *nezirus* and a husband may annul his wife's *nezirus*.

The *Gemora* asks: Why do we need to derive this by way of comparison? We should simply derive this by saying that just as we find this is true by an ordinary vow, it is also true by *nezirus*?

The *Gemora* answers: One might think that this law only applies to vows as they are often open-ended prohibitions (*that last a lifetime*). However, the standard term for a *nazir* is thirty days. One might therefore think that the father and husband may not annul a *nezirus* vow. This is why this *halacha* is derived through a *hekeish*. (4b)

### ***Inconclusive Partial Declarations***

The *Mishna* had stated: If one says to another, "I am vowed from you," or "I am separated from you," or "I am distanced from you," – "for that which I eat of yours," or "for that which I taste of yours," he is prohibited (*these are regarded as yados, handles of a vow; just as one can move the entire vessel by holding its handle, so too, one can invoke a vow by means of a partial declaration; the vow takes effect even though he did not state that the object should be forbidden because his intention is evident through his partial expression*).

Shmuel says: In all cases where one is vowing that he is separating himself from his friend, he must say "in that which I will eat from you," or "in that which I will eat from you" (*the terminology of separation alone is not deemed clear enough to create any type of vow, even as a partial declaration*).

The *Gemora* asks a question from the following *braisa*: If a person says, "I am vowed from you," or "I am

separated from you," or "I am distanced from you," he is forbidden. If he says "in that which I will eat from you," or "in that which I will eat from you," he is forbidden. (*We see that each of these statements itself is an effective vow.*)

The *Gemora* answers: The *braisa* means to say that he is only forbidden if he added "in that which I will eat from you," or "in that which I will eat from you."

The *Gemora* asks: Isn't there a *braisa* that lists the same cases in reverse? The *braisa* states: If he says "in that which I will eat from you," or "in that which I will eat from you," he is forbidden. If a person says, "I am vowed from you," or "I am separated from you," or "I am distanced from you," he is forbidden.

The *Gemora* answers: These second cases must mean that if the person said "in that which I will eat from you" he is forbidden if he had already said, "I am vowed from you."

The *Gemora* asks: This is the same as the previous *braisa* (see *Ran* that this is not really the second part of the first *braisa* as is implied by a simple reading of the *Gemora*)! [*The Ran explains that the question is that if this is the message that the braisa wanted to get across, it should have said the case of "in that which I will eat from you" second, as did the previous braisa.*] Additionally, why would it say "he is forbidden" twice? (4b)

### **Quick Summary**

\* What is the *halacha* if one vows to be a *nazir* while he is in a cemetery?



The vow takes effect immediately and there is an argument if he incurs lashes.

\* Why in that case has he violated the prohibition of delaying?

Either he is delaying with respect to a pure *nezirus* or he is delaying the commandment of shaving.

\* Is the shaving of his head essential for the restrictions of *nezirus* to be lifted?

This is a matter of dispute.

\* Is there any other way for a *nazir* to violate the prohibition of delaying?

If an ordinary *nazir* postpones bringing his *korbanos*.

\* What is the *halacha* if one vows to become a *nazir*, but he specifies that he wants to be a *nazir* for (*being prohibited to eat*) grape-seed, and not any of the other restrictions?

It is a matter of dispute if he is a complete *nazir*.

\* Why might we think that a father or husband cannot annul a *nezirus* vow of his daughter or wife?

Since an ordinary *nezirus* is for thirty days.

## INSIGHTS TO THE DAF

### *Drinking Wine by Kiddush*

The *Gemora* explains that the novelty of a *chatas nazir* is that it cannot be pledged to be brought as a vow. When we asked earlier that this is a trademark of all *chatas* offerings, it is possible to answer that all other *chatas* offerings are obviously not brought because they are pledged, as they are obligated to be brought to atone for a sin. However, why is a *korban chatas* of a *nazir* brought? [One might therefore have thought the prohibition of delaying vows does not apply to it, which is why the *hekeish* is needed.]

The *Gemora* asks: The *korban chatas* of a woman who gives birth is also not brought for a sin that she committed, but nonetheless we know the prohibition for delaying vows does apply to her *korban chatas*. [Why should a *korban chatas* of a *nazir* be different?]

The *Gemora* answers: Her *korban chatas* is still different than that of a *nazir*, as it enables her to eat *kodoshim* (*korbanos*, which she was unable to eat beforehand and is a *mitzvah*).

The Meiri asks: Doesn't the *chatas* offering of a *nazir* help him that he is now permitted to drink wine?

Tosfos and the Ran answer that drinking wine is a voluntary act, and it is not a *mitzvah* like the eating of *kodoshim*.

However, we can ask: What about the *mitzvah* of drinking wine for *kiddush* and *havdalah*? The *Gemora* Pesachim (106a) derives from the verse *Remember the day of Shabbos to sanctify it* that there is an obligation to recite *kiddush* over a cup of wine. Accordingly, we

should say that a *nazir's* bringing of the *korbanos* is similar to that of a woman who gave birth; he is bringing the *korban* in order to be permitted to partake in the *mitzvah* of drinking wine for *kiddush*?

The Meiri answers: The *mitzvah* of drinking the wine for *kiddush* is only a Rabbinical one, and the *korban* is not coming for that.

Tosfos explains that although there is a Biblical obligation to recite *kiddush* with wine, the obligation that the one who recites the blessing should drink the wine is only Rabbinical.

Reb Koby Shapiro in the Hebrew Midrashiya states that there may be a practical difference in *halacha* whether the *mitzvah* of drinking the wine is a Biblical one or merely Rabbinical.

It is ruled upon in Shulchan Aruch that a woman is Biblically obligated in the *mitzvah* of *kiddush* on *Shabbos*. Accordingly, she would be allowed to discharge a man of his obligation by reciting the *kiddush* for him.

The Acharonim raise the following question: When a man comes home from Shul Friday night, he has already fulfilled his Biblical obligation of *kiddush* in the *Shemoneh Esrei* of *ma'ariv*. He still has a Rabbinical obligation to recite the *kiddush* over a cup of wine. His wife, on the other hand, who did not *daven ma'ariv*, still has a Biblical obligation to recite *kiddush*. How can the man, who only has a Rabbinical obligation discharge his wife of her Biblical obligation?

Some answer that she should recite *vayechulu* prior to *kiddush*.

Reb Akiva Eiger answers that there is no concern here because of the principle that one who has fulfilled the *mitzvah* can nevertheless discharge an obligation for someone who did not yet fulfill the *mitzvah*. This works because every Jew is a guarantor for another. Some Acharonim are not satisfied with this answer because they say that a woman is not included in this guarantee for each other.

The Chasam Sofer answers: It is as if the husband had intention not to fulfill the Biblical obligation of *kiddush* when he is *davening ma'ariv*. This way, they are both Biblically obligated in the *mitzvah* of *kiddush*.

This entire discussion is based upon the Meiri's opinion that the *mitzvah* of drinking the wine is merely a Rabbinical *mitzvah*. However, if we would hold that there is a Biblical *mitzvah* to drink the wine of *kiddush*, then, there would be no discussion, for the husband still has not discharged his own obligation by *davening ma'ariv*; he still has a Biblical obligation to drink the wine.