

14 Iyar 5774  
May 14, 2014



Rosh Hashanah Daf 6

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

## NO SIN FOR HIS WIFE

➤ The Gemora learns that one who delays in bringing a korban has committed a sin but there will not be a sin for his wife. Rav Yochanan stated that a man’s wife will die a premature death if he is asked for money that he stole from others and he does not have the money to repay. One might have thought that his wife will die for the sin of delaying as well. The Torah teaches us that this is not the case. (6a)

## PROCRASTINATION

➤ The Gemora cites two verses to teach us that there is a positive commandment for one to fulfill his vow. There are also two verses teaching a negative commandment not to avoid fulfilling one’s vow. There are two verses to teach us that Beis Din should force a person to fulfill his vow. The Gemora questions the necessity for the two verses for each of those halachos.

The Gemora answers that the two verses are referring to two different cases. One verse is discussing a case where one made a vow to

offer a korban but he did not designate it, and the other verse is referring to a case where he designated the animal but he did not yet bring it as a korban. The Gemora explains why both cases must be taught and why we wouldn’t be able to learn one from the other.

The Gemora questions this explanation by citing a Mishna in Kinnim which explains the difference between a neder and a nedovah. A neder is where one makes a vow obligating himself to bring a korban. A nedovah is where he designates a specific animal as a korban. There would be a difference in Halacha, if, after the designation, the animal would die or get stolen. If he made a neder, he would be required to bring another one, but if it was a nedovah, he would not be obligated to bring another one, since his vow was that this animal would be a korban. How can we explain one of the verses to be referring to a case that he vowed to bring a korban but did not designate one, when both of the verses explicitly state nedovah and nedovah is where he designates the animal?

Rava answers that there can be a case of nedovah where he does not designate the animal and that is where he explicitly vowed to bring a korban with the stipulation that he will

not be responsible if it dies or gets stolen. This vow would have the status of a nedovah. (6a)

## CHARITY

➤ Rava rules that one who vows to give charity is subject to the prohibition of delaying instantly, even before the passage of any of the festivals. The reason given for this is because the poor people are standing in front of us and it is essential that they receive the charity immediately. (6a)

## POSITIVE COMMANDMENT

➤ Rava rules that one who vows to bring a korban and has not brought it after one festival has violated a positive commandment. The Gemora questions this from a testimony from Rabbi Pepayes. Rabbi Yehoshua and Rabbi Pepayes ruled that if one consecrates a pregnant cow for a shelamim or he consecrates a cow for a shelamim and it subsequently becomes pregnant, the offspring should be brought as a shelamim. Rabbi Pepayes testified that he ate a shelamim on Pesach and its offspring on Sukkos. The Gemora understands that he did not bring the offspring as a shelamim on Pesach since it might not have been old enough for a korban at the time (less than eight days old is considered premature), but why wasn't the offspring brought as a shelamim on the Festival of Shavuos? Delaying until Sukkos would be violating the positive commandment of bringing the korban on the first festival. Rav Zvid answers that the offspring was sick on

Shavuos and could not be brought. Rav Ashi answers that when the Gemora stated that it was brought on the 'Chag,' it is referring to Shavuos and not to Sukkos.

Rava rules that once the three festivals have passed, he is liable every single day for the prohibition against delaying the bringing of the korban. (6a – 6b)

## A YEAR WITHOUT THREE FESTIVALS

➤ A braisa is cited which states that one, who vows to bring a korban and a year passes by without three festivals or three festivals pass by without a year, would be liable for transgressing the prohibition against delaying. We can understand how it's possible to have three festivals pass by without a year, but how can a year pass by without three festivals? The Gemora answers that if we hold that the prohibition of delaying is only if three festivals pass in sequence, then it is understandable how we can have a year pass before the three successive festivals; however, if we maintain that the prohibition is even when the three festivals are not in sequence, how can a year pass without three festivals?

This question can be answered according to Rebbe who maintains that a year in halacha is 365 days even if there is a leap year. If one consecrated an animal after Pesach and the following year is a leap year, after 365 days the year will be complete, but three festivals did not pass.

According to the Chachamim who disagree with Rebbe and maintain that a year is not complete by counting 365 days, rather a year is not complete until the anniversary of the same day next year, there can still exist a case where a year can be completed before the three festivals are. We have learned in a braisa that Shavuos can sometimes be on the fifth of Sivan, sometimes the sixth and at times can fall out on the seventh of Sivan. Shavuos is always the fiftieth day after we begin counting the Omer. The reason the day will vary is because there are times that Nissan and Iyar will both contain thirty days. There can be times that they both consist of twenty-nine days. Sometimes, one will have thirty and one will be twenty-nine. If Shavuos was on the fifth of Sivan and a person made a vow on the sixth of Sivan to bring a korban, the year is completed the following year on the sixth of Sivan. If the following year, Shavuos was on the seventh of Sivan, the year will be completed before the three festivals. (6b)

## TWO INQUIRIES

➤ Rabbi Zeira inquires if an inheritor is subject to the prohibition against delaying. An heir is obligated to bring the korbanos for his father. The Gemora is questioning that perhaps he is not subject to this prohibition since he was not the person who made the vow or since he is nonetheless required to bring the korban, he is included in the prohibition.

Rabbi Zeira inquires if a woman who made a vow to bring a korban is subject to the prohibition against delaying. A woman is not obligated to appear in the Beis Hamikdosh on the festivals and therefore she should not be included in the prohibition against delaying. Or since she is obligated in the mitzva of simcha and partake in the korbanos that are brought on the festivals, perhaps we can say that she is included in this prohibition. (6b)

## INSIGHTS TO THE DAF

### 1) AGADAH: HIS WIFE WILL NOT DIE FOR HIS SIN OF "BAL TE'ACHER"

**QUESTION:** The Gemara concludes that the verse, "v'Hayah Becha Chet" -- "It shall be a sin for you" (Devarim 23:22), teaches that the prohibition of Bal Te'acher (delaying the fulfillment of a Neder) affects only the transgressor and not his wife.

**TOSFOS** (DH Ela Im Ken) adds that when the Gemara in Shabbos (32b) says that one's wife *may* be punished if he fails to fulfill his Neder, it refers only to a situation in which the husband *never* fulfills his Neder. If he eventually fulfills it, his wife will not be punished for his delay.

The Midrash relates that Rachel Imenu died on the way to Eretz Yisrael because Yakov Avinu delayed the fulfillment of his pledge to bring a

libation of oil (Nisuch Shemen) to the Mizbe'ach in Beis-El. Many years earlier, when he left Eretz Yisrael to travel to the house of Lavan, he vowed to offer a libation on the Mizbe'ach upon his return (Bereishis Rabah 81:2, Vayikra Rabah 37:1, Tanchuma Vayishlach 8, Zohar Bereishis 175a; see also Rashi to Bereishis 35:1). Yakov Avinu eventually fulfilled his Neder (before Rachel died), as the Torah relates (Bereishis 35:6-7).

The Midrash clearly implies that Yakov Avinu's wife died as a result of his transgression of Bal Te'acher, even though he eventually fulfilled his Neder. How is the Midrash to be reconciled with the Gemara here? (**KOHELES YAKOV** (Rav Algazi); **CHIDA** in **NITZOTZEI OROS** to the Zohar loc cit.)

#### ANSWERS:

(a) The **PERASHAS DERACHIM** (Derush #3, DH uva'Zeh Yuvan; see also **PARDES YOSEF**, end of Bereishis 35:1) explains that the Midrash indeed argues with the Gemara (see **TOSFOS** DH mid'Ben, and **SEFAS EMES** here). The Tana'im of the Midrash maintain that transgressing the prohibition of Bal Te'acher *does* affect one's wife, as the Midrash states explicitly (in Vayikra Rabah loc cit.): "One who vows and *delays his vow* buries his wife."

(b) The **KLI CHEMDAH** (beginning of Vayishlach) suggests that the Midrash does not argue with the Gemara. Rather, Rachel Imenu died during childbirth, a life-threatening condition (as the Gemara mentions in Shabbos 32a). Since the attribute of strict justice is manifest at life-threatening moments, Rachel was unprotected from the ramifications of her husband's transgression of Bal Te'acher. Under normal circumstances, however, one's wife is not punished for her husband's sin of Bal Te'acher alone. (The Kli Chemdah offers another, intricate answer ("Pilpul").)

(c) An original solution may be suggested based on the words of the **MESHECH CHOCHMAH** (Vayetzei 31:13; see also Meshech Chochmah to Vayishlach 35:8). In his Neder (Bereishis 28:22), Yakov Avinu promised that upon his safe return he would offer Nesachim on the same "Matzeivah" that he had set up on his way to Lavan. When he finally returned, however, Hash-m told him to erect a new "Mizbe'ach" and not to use the original Matzeivah (Bereishis 35:1 and 7).

The Torah forbids making a Matzeivah today because it is something which Hash-m "has come to despise" (Devarim 16:22). Rashi explains that although the Avos built Matzeivos and brought offerings upon them, the practice became despicable to Hash-m when the idol-worshippers imitated the practice and adopted

it for the service of their idols. Consequently, one may make only a *Mizbe'ach* and not a *Matzeivah*. A Mizbe'ach is comprised of several stones, while a Matzeivah is comprised of a single stone.

Perhaps the idolaters adopted the practice of building a Matzeivah after they saw Yakov build his Matzeivah for Hash-m when he was on his way to the house of Lavan. This explains why Yakov Avinu was permitted to make a Matzeivah when he left Eretz Yisroel but he was not permitted to use it upon his return. By the time he returned 22 years later, the building of Matzeivos had become a common practice among idolaters. (The verse which mentions the building of a Matzeivah in the context of Yakov's return is merely a flashback to Yakov's initial journey to Lavan; see Ramban and Seforno there.)

According to this explanation, one may propose that had Yakov Avinu returned earlier to fulfill his Neder he might have been able to pour oil on the Matzeivah, because the idolaters had not yet adopted the practice. In the time that he delayed, the idolaters began to use Matzeivos in their idol-worship, and, as a result, he was unable to fulfill his Neder in its entirety (since he could not make a Matzeivah). His wife was punished not because he delayed his Neder, but because he was unable to fulfill it in its entirety.

## 2) ONE WHO HAS NO MONEY TO GIVE TO THOSE WHO ASK

**QUESTIONS:** The Gemara concludes that the verse, "v'Hayah Becha Chet" -- "It shall be a sin for you" (Devarim 23:22), teaches that the prohibition of Bal Te'acher (delaying the fulfillment of a Neder) affects only the transgressor and not his wife. One might have thought that his wife should die for that sin just as one's wife dies when people ask him for money and he has none to give them, as Rabbi Eliezer derives from a verse in Mishlei. The verse of "v'Hayah Becha Chet" teaches that a wife does not die because of her husband's transgression of Bal Te'acher.

(a) To what situation does Rabbi Eliezer refer when he says that a man's wife dies when he has no money to give to those who ask?

(b) Why should a woman die because of her husband's sins?

## ANSWERS:

(a) **RASHI** and **TOSFOS** disagree about what Rabbi Eliezer means when he says that a man's wife dies when he has no money to give to those who ask.

1. **RASHI** in Zevachim (29b, DH Mevakshin) says that Rabbi Eliezer refers to one who stole



money or other property. When the rightful owner comes to claim his money, the thief has no money to pay back.

2. **TOSFOS** (DH Ela Im Ken) says that Rabbi Eliezer refers to a man who pledged to give a donation to charity and failed to fulfill his pledge. Rabbi Eliezer's statement is consistent with the Gemara in Shabbos (32b) which says that a man's wife dies as a result of his violation of his vows (see previous Insight; see also **MARGOLIYOS HA'YAM**, Sanhedrin 22a, #20).

(b) According to the explanations of both Rashi and Tosfos, why should a woman die because of her husband's sin?

1. **RAV CHAIM SHMUELEVITZ** zt'l in **SICHOS MUSAR** (5732, #32, and 5733, #1) explains that the woman is punished only when she also has sins for which she deserves to die. Why, then, does the Gemara attribute her punishment to her husband's sins?

It is known that Hash-m does not punish an individual when the punishment will significantly affect those who are close to him and who are not deserving of punishment themselves. The Gemara here means that Hash-m punishes the man by causing his wife to die as punishment for *her* sins when he is also guilty of a severe sin. Rabbi Eliezer derives from the verse in Mishlei that the sin of violating

one's vow is enough to make a man deserve the anguish of losing his wife.

Rav Chaim Shmuelewitz also explains why the punishment of the death of one's wife is a fitting punishment for the transgression. He explains that there never exists a situation in which a person "has no money" to pay back his debts. A person who acknowledges that he owes money will always find a way to pay. If one refuses to acknowledge his debt, it is a sign that he does not feel that he is a Ba'al Chov, a debtor. The punishment for this is that his wife is punished for her sins and he has to suffer the consequences. The reason his wife is taken from him is because the most important person to whom a person is indebted is his wife. It is his wife who ceaselessly stands by his side and serves as his devoted helpmate in life. A man who demonstrates a lack of a sense of indebtedness to others who help him in his business affairs is also likely to lack appreciation for his wife as well. Hash-m therefore does not prevent his wife from being punished for her sins and being taken away from him.

2. The **SHITAH MEKUBETZES** in Zevachim suggests another explanation. He says that Rabbi Eliezer refers to a man who tells his creditors that he cannot pay his debts with the property that he owns because the property is already a lien towards the payment of his wife's

Kesuvah. The man's wife supports his claim. She is punished for her involvement in preventing the creditors from collecting their money. (See also **BEN YEHOYADA** to Sanhedrin 22a and Insights to Zevachim 29:2.) (Y. Montrose)

### 3) THE OMISSION OF THREE KORBANOS FROM THE BERAISSA OF "BAL TE'ACHER"

**QUESTION:** The Gemara cites a Beraisa which derives the prohibition of Bal Te'acher from the verses, "When you make a Neder... do not delay in fulfilling it... That which comes out of your mouth you must observe and do, just as you vowed to Hash-m your G-d..." (Devarim 23:22-24). The Gemara learns from the words "to Hash-m your G-d" that Bal Te'acher applies to Korbenos Chata'os, Ashamos, Olos, and Shelamim. The Gemara earlier (end of 4a) cites another Beraisa which adds Bechor, Ma'aser (Ma'aser Behemah), and the Korban Pesach. Why does the Beraisa here omit these three Korbanos?

**ANSWER:** The Gemara concludes that the second Beraisa discusses a situation of "Amar v'Lo Afrish" -- the person promised to bring a Korban but did not designate a specific animal as the Korban. Such a situation can exist only in the case of a Korban Chatas, Asham, Olah, or Shelamim. In contrast, a Bechor becomes Kadosh immediately at birth, regardless of one's verbal commitment to sacrifice the

animal. Similarly, in the case of Ma'aser Behemah, the tenth animal becomes Ma'aser immediately as it exits the stable. Therefore, the Beraisa here mentions neither Bechor nor Ma'aser.

The Beraisa here does not mention the Korban Pesach for one of two reasons. According to one opinion earlier (5a), the first Beraisa mentions the Korban Pesach only because it mentions Bechor and Ma'aser (these three Korbanos are always mentioned together). Since the Beraisa here has grounds to omit Bechor and Ma'aser, there is no reason for it to mention the Korban Pesach. According to the other opinion there which says that "Pesach" in the Beraisa refers to the Shalmei Pesach (a Korban Pesach that was lost and then found), the case of "Amar v'Lo Afrish" obviously does not apply because the Korban of Shalmei Pesach was already designated as a Korban.