



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

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

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

***A Nazir is a Sinner***

The *Gemora* had asked: Who is the *Tanna* that makes a distinction between a *neder* and a *nedavah*? It would seemingly not be following Rabbi Meir or Rabbi Yehudah’s opinion. For we learned in the following *braisa*: It is written [Koheles 5:4]: *It is better that you do not vow, than that you vow and do not pay it.* Rabbi Meir says: One who does not vow at all is better than this one and that one (*one who vows and pays and one who vows and does not pay*). Rabbi Yehudah says: One who vows and pays is better than this one and that one (*one who does not vow and one who vows and does not pay*). (*Neither of them differentiates between a neder and a nedavah!*)

The *Gemora* offers an alternative answer: Our *Mishna* can be in accordance with Rabbi Yehudah, for Rabbi Yehudah said that it is best to vow and pay by a *nedavah*, but he never said this by a *neder*.

The *Gemora* asks: But Rabbi Yehudah said: One who vows a *neder* and pays is better than this one and that one (i.e., one who does not vow at all, and one who vows but does not pay!?)

The *Gemora* answers by emending the *braisa* to say the following: One who vows a *nedavah* and pays is better than this one and that one.

The *Gemora* asks: What is the difference between a *neder* and a *nedavah*? Just as the righteous do not make *nedarim* because it might lead to a transgression, so too they would not make *nedavos* because it might lead to a

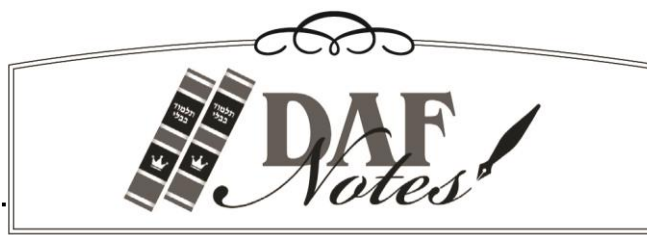
transgression (*although the animal is immediately consecrated, he might delay more than three festivals before bringing it as a korban and has violated the prohibition against delaying!*)

The *Gemora* answers: Rabbi Yehudah goes according to his own reasoning. For Rabbi Yehudah said: A *nedavah* is regarded as virtuous when done in the following manner: One should bring an unconsecrated animal into the (*entrance of the*) Temple Courtyard and only then, would he consecrate it, place his hands upon it (*for the mitzvah of semichah*) and slaughter it. (*This way, there was no time to be concerned that he might commit a transgression.*)

The *Gemora* asks: This explains the *nedavah* to bring a *korban*, but how can we explain the *nedavah* to becoming a *nazir* (*there should be a concern that he will violate his vow during the time of nezirus*)?

The *Gemora* answers: Rabbi Yehudah goes according to his own reasoning. For Rabbi Yehudah said in a *braisa*: The early pious ones were eager to bring a *chatas* offering, because the Holy One, blessed be He, never caused them to stumble. What did they do? They arose and made a *nedavah* vow of *nezirus* to the Omnipresent, so they should be liable to bring a *chatas* offering to the Omnipresent (*when the nezirus was completed; this was considered virtuous*).

The *braisa* continues: Rabbi Shimon says: They would not make a vow of *nezirus*. Rather, one who wished to bring



an *olah* offering would make a *nedavah* for an *olah* and bring it. If he wished to bring a *shelamim* offering, he would make a *nedavah* for a *shelamim* and bring it. If he wished to bring a *todah* offering and its four different types of bread, he would make a *nedavah* for a *todah* and bring it. However, they would not make a vow of *nezirus* for they did not wish to be called “sinners,” as it is stated [Bamidbar 6:11]: *And the Kohen shall provide for the nazir atonement for having sinned regarding the soul.*

Abaye said: Shimon the Righteous, Rabbi Shimon and Rabbi Elozar HaKappar all are of the same opinion that a *nazir* is regarded as a sinner.

The *Gemora* explains: Shimon the Righteous and Rabbi Shimon’s opinions have been stated above. That Rabbi Elozar HaKappar Berabi also had this opinion is evident from the following *braisa*: Rabbi Elozar HaKappar Berabi said: *And the Kohen shall provide for the nazir atonement for having sinned regarding the soul.* What was his sin? A *nazir* is referred to as a sinner since he pained himself by abstaining from wine. He continues and states: If one can be called a sinner for abstaining from wine, he will certainly be called a sinner for abstaining from all foods. From here we can derive that one who fasts unnecessarily is called a sinner.

The *Gemora* asks: But the verse cited is referring to a *nazir tamei*?

The *Gemora* answers: He has doubly sinned (*abstaining himself from wine and not being careful and becoming tamei*). (9b3 – 10a2)

### **Mishna**

(*The Mishna identifies the substitute terms for korban, cheirem, nazir and an oath.*) The *Mishna* states: If one says, “*konam*,” “*konach*,” or “*konas*,” these are regarded as a substitute term for “*korban*,” meaning sacrifice, and the vow takes effect. If one says, “*cheirek*,” “*cheirech*,” or

“*cheiref*,” these are regarded as a substitute term for “*cheirem*.” If one says, “*nazik*,” “*naziach*,” or “*paziach*,” these are regarded as a substitute term for *nezirus*. If one says, “*shevusah*,” or “*shekukah*,” or he vowed by Mohi (*a name referring to Moshe; Moshe swore and that it what the vower is referencing*), these are regarded as substitute words for an oath. (10a2 – 10a3)

### **Substitute Terms**

The *Gemora* states: Rabbi Yochanan said: Substitute terms are actually foreign-language terms for vows. Rabbi Shimon ben Lakish says: Substitute terms were terms conceived (‘*badu*’) by the Sages for people to vow with. And so it is said: in the month that he conceived (‘*bada*’) with his imagination.

The *Gemora* explains Rish Lakish’s opinion: Why did the Sages conceive these terms?

It was because they didn’t want people to say “*korban*.”

The *Gemora* asks: What was wrong with saying “*korban*?”

The *Gemora* answers: It was because they didn’t want people to say “a *korban* to Hashem” (*an expression commonly found in the Torah*).

The *Gemora* asks: And let them say “a *korban* to Hashem”? [What were they concerned about?]

The *Gemora* explains: They were worried that a person might mistakenly say “to Hashem” and not say “a *korban*.” It will emerge that he has uttered the Name of Hashem in vain.

And we learned in the following *braisa*: Rabbi Shimon says: How do we know that a person should not say (*when consecrating an offering*) “to Hashem an *olah*,” “to Hashem a *minchah*,” “to Hashem a *todah*,” or “to Hashem a *shelamim*” (*but rather, the Name of Hashem should*

always be mentioned first)? It is derived from the verse [Vayikra 1:2]: *An offering to Hashem.*

The *braisa* continues: We can say the following *kal vachomer* (literally translated as *light and heavy, or lenient and stringent; an a fortiori argument; it is one of the thirteen principles of biblical hermeneutics; it employs the following reasoning: if a specific stringency applies in a usually lenient case, it must certainly apply in a more serious case*): If concerning one who intended to invoke the Divine Name only in connection with a sacrifice, the Torah taught, *an offering to Hashem*; how much more so must one be concerned of deliberately uttering the Name in vain! (10a3 – 10b1)

### **Substitute of a Substitute**

The *Gemora* suggests that the above Amoraim (R' Yochanan and Rish Lakish) are arguing about the same matter that can be found in a Tannaic dispute: Beis Shammai say: [Regarding objects that are placed under vow through the use of] a substitute term for a substitute term, (the vow is effective, and) the objects are forbidden. Beis Hillel say: [Regarding objects that are placed under vow through the use of] a substitute term for a substitute term, (the vow is effective, and) the objects are permitted.

Is it not presumable to say that they argue based upon the following logic: The one who holds that (objects that are placed under vow through the use of) a substitute term for a substitute term, (the vow is effective, and) the objects are forbidden (Beis Shammai), holds that substitute terms are foreign-language terms for vows (like R' Yochanan, and therefore, there is no difference if he uses the exact terms mentioned in the Mishna, or even if he uses a term in a corrupt dialect of a language), and the one who holds that (objects that are placed under vow through the use of) a substitute term for a substitute term, (the vow is effective, and) the objects are permitted (Beis Hillel), holds that substitute terms are terms

conceived ('badu') by the Sages for people to vow with (like Rish Lakish, and therefore, it is only those precise terms which are effective).

The *Gemora* disagrees: No. All agree that substitute terms are foreign-language terms for vows; but Beis Shammai hold that foreign nations speak in these terms as well, while Beis Hillel hold that they do not speak in these terms.

Alternatively, Beis Shammai hold: A substitute term for a substitute term is declared effective as a precautionary measure on account of substitute terms themselves; but Beis Hillel maintain: We do not enact a precautionary measure for a substitute term for a substitute term on account of the substitutes themselves.

The *Gemora* asks: What are examples of a substitute term for a substitute term? Rav Yosef taught as follows: "Maknamna," "maknachna," and maknasna." [These are similar terms to that which was illustrated in the Mishna: a "konam," or "konach," or "konas" to me.]

What are examples of a substitute term for a substitute term for a cheirem? Mafshaah taught: "Charakim," "charachim," and "charafim." [These are similar terms to that which was illustrated in the Mishna: "cheirek," "cheirech" and "cheiref".]

What are examples of a substitute term for a substitute term of nezirus? Rav Yosef taught as follows: "Machazkana," "manazachna," and "mapichna." [The Bach emends the terms just cited. These are similar terms to that which was illustrated in the Mishna: "nazik," "naziach" and "paziach".]

The scholars inquired: What would be the law regarding "mifchazna"? What would be the law regarding "mischazna"? What would be the law regarding "misazna"?

## Quick Summary

Ravina asked Rav Ashi: What would be the law regarding “kinema”? Does it mean “konam,” (and the vow would be effective), or perhaps, he was referring to “fragrant cinnamon”?

Rav Acha, the son of Rabbi Chiya, asked Rav Ashi: What would be the law regarding “kinah”? Does it mean a “chicken coop,” or “konam”?

The Gemora notes: These remain unresolved.

The Gemora asks: What are examples of a substitute term for a substitute term of oaths? “Shevuel,” “shevusieli,” and “shekukael.” [These are similar terms to that which was illustrated in the Mishna: “shevusah” and “shekukah”.]

The Gemora asks: But “shevuel” may simply mean Shevuel the son of Gershon?

Rather, say as follows: “Shevuvael,” “shevusieli,” and “shekukael.”

Shmuel said: If one says “ashivsah,” he has said nothing; “ashkikah,” he has said nothing; “karinsa,” he has said nothing. (10b1 – 10b2)

### By Mohi

The *Mishna* had stated: If one vowed by Mohi (a name referring to Moshe; Moshe swore and that is what the vower is referencing), it is regarded as a substitute term for an oath.

The *Gemora* cites a *braisa*: Rabban Shimon ben Gamliel said: If one said, “By Mohi,” he has not said anything. If he said, “With the oath that Moshe uttered,” then it is a substitute term for an oath. (10b2)

- \* Is our *Mishna* (that makes a distinction between a *neder* and a *nedavah*) following Rabbi Meir’s opinion or that of Rabbi Yehudah?

There are two answers in the *Gemora*.

- \* Is it virtuous to make a *neder* of *nezirus* (not like that of Shimon the righteous)?

The Tannaim argue about this; Rabbi Yehudah maintains that one can become a *nazir* in order to have the ability to offer a *korban chatas*.

- \* Why couldn’t they bring a regular *chatas*?

Because the Holy One, blessed be He, never caused them to stumble.

- \* Why is a *nazir* referred to as a “sinner”?

Because he has pained himself by abstaining from wine.

- \* What are some examples of a “substitute term”?

“Konam,” “nazik,” “cheirek,” “shevusah.”

- \* What are “substitute terms”?

Either terms from a foreign language, or expressions instituted by the Sages.

- \* Why did the Sages establish these terms?

They were concerned that people would say the Name of Hashem in vain.

- \* Is a “substitute of a substitute term” valid?

This is a matter of dispute between Beis Shamai and Beis Hillel.

\* What does “Mohi” mean?

Moshe (and referring to his oath).

## INSIGHTS TO THE DAF

### *The Ra”n Elucidated*

**Nazir as a sinner** - Abaye said: Shimon the Righteous, Rabbi Shimon and Rabbi Elozar HaKappar all are of the same opinion that a *nazir* is regarded as a sinner.

The Ran explains that they do not all hold the identical opinion. Shimon the Righteous maintains that he is a sinner only if he becomes *tamei* (for then, he will regret his vow). Rabbi Shimon and Rabbi Elozar HaKappar, however, hold that even a *nazir tahor* is called a “sinner” because he has pained himself by abstaining from wine.

### *Pious and Righteous*

The *Gemora* states: Rabbi Yehudah said in a *braisa*: The early pious ones were eager to bring a *chatas* offering, because the Holy One, blessed be He, never caused them to stumble. What did they do? They arose and made a *nedavah* vow of *nezirus* to the Omnipresent, so they should be liable to bring a *chatas* offering to the Omnipresent (when the *nezirus* was completed; this was considered virtuous).

Shoel U’meishiv asks: Tosfos writes in several places in Shas that Hashem does not cause the righteous to stumble only in respect to prohibitions dealing with eating; however, they may stumble by other prohibitions. If so, it is still possible for them to bring a *chatas* offering, when they stumble in other prohibitions, so why were they compelled to take a vow of *nezirus*?

He answers that Tosfos only said that in regards to the righteous people. They may stumble in other prohibitions. However, the pious people are on a much higher level and Hashem would not allow them to stumble in any prohibition.

## DAILY MASHAL

### *Shalom Aleichem – Aleichem Shalom*

We learned in the following *braisa*: Rabbi Shimon says: How do we know that a person should not say (when consecrating an offering) “to Hashem an *olah*,” “to Hashem a *mincha*,” “to Hashem a *todah*,” or “to Hashem a *shelamim*” (but rather, the Name of Hashem should always be mentioned first)? It is derived from the verse [Vayikra 1:2]: *An offering to Hashem.*

The Yeshuos Yaakov (Y”D 148) uses our *Gemora* to explain our custom of greeting your fellow with “Shalom Aleichem,” and they respond with “Aleichem Shalom.” In truth, it should be forbidden to say “Shalom aleichem,” for “Shalom” is one of the Names of Hashem and we should be concerned that a person will die immediately after saying “Shalom” without having the opportunity to conclude and say “aleichem.” If this would happen, it would emerge that he had said Hashem’s Name in vain. However, since Chazal have told us that one who greets his fellow with “shalom” will merit living a long life, there is no need to be concerned that he will die immediately following saying “shalom.” This logic is only applicable to the first one greeting his fellow, for he is the one that has this guarantee. The fellow responding, however, does not have this guarantee, and that is why he replies and says, “Aleichem shalom.”