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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

Mishnah

The Mishnah states: There is a vow within a vow, but there is not an oath within an oath. What is the case? If one said, “I am a *nazir* if I eat, I am a *nazir* if I eat,” and he ate it, he must observe a term of *nezirus* for each one (*he concludes his first term and afterwards begins a second term*). If he says, “An oath that I will not eat it, an oath that I will not eat it,” and he ate it, he is liable for only one (*because one oath cannot take effect upon another oath*). (17a1)

“I am a Nazir, I am a Nazir”

The Mishnah had stated: If one said, “I am a *nazir* if I eat, I am a *nazir* if I eat,” and he ate it, he must observe a term of *nezirus* for each one (*he concludes his first term and afterwards begins a second term*).

Rav Huna said: This *halachah* is only true if he said, “I am a *nazir* today,” and then he said, “I am a *nazir* tomorrow.” Since he is required to add a day of *nezirus* on account of the second vow, the second vow of *nezirus* (*for another term of thirty days*) takes effect upon the first vow. However, if he said, “I am a *nazir* today,” and then he said, “I am a *nazir* today,” only the first vow of *nezirus* takes effect.

Shmuel disagrees and says: even if he said, “I am a *nazir* today,” and then he said, “I am a *nazir* today,” he is required to observe two consecutive terms of *nezirus*.

The *Gemora* challenges Rav Huna: Why did the *Mishnah* state that there is a vow within a vow, but there is not an oath within an oath? The *Mishnah* could have stated that there is a vow within a vow, but sometimes, there isn’t a vow within a vow! If he says, “I am a *nazir* today,” and then he said, “I am a *nazir* tomorrow,” the second *neder* is a valid one. If he says, “I am a *nazir* today,” and then he said, “I am a *nazir* today,” the second *neder* has no validity.

The *Gemora* notes that this is indeed a difficulty. (17a1 – 17b1)

Figs and Grapes

The *Gemora* asks on Rav Huna from our *Mishnah* which stated: There is a vow within a vow, but there is not an oath within an oath. What cases is the *Mishnah* referring to? If the case of a vow is where he said, “I am a *nazir* today,” and “I am a *nazir* tomorrow,” and then the parallel case of an oath would be where he said, “An oath that I will not eat figs,” and “An oath that I will not eat grapes.” If that is the case, why isn’t the second oath valid (*the second oath is completely different than the first*)? Rather, the case must be where he said, “An oath that I will not eat figs,” and “An oath that I will not eat figs.” The parallel case by a vow would be where he said, “I am a *nazir* today” and then he said, “I am a *nazir* today.” And yet, the *Mishnah* says that the second *nezirus* is valid. This would be a refutation of Rav Huna.

The *Gemora* answers: Rav Huna could say as follows: The *Mishnah* is referring to a case where he said, “I am a *nazir* today,” and “I am a *nazir* tomorrow.” In that case, the *Mishnah* rules that the second *neder* has validity. The parallel case by an oath would be where he said, “An oath that I will not eat figs,” and “An oath that I will not eat figs and grapes.” The *Mishnah* rules in this case that the second oath does not take effect.

The *Gemora* asks: But didn’t Rabbah say that if one said, “An oath that I will not eat figs,” and “An oath that I will not eat figs and grapes,” and he went ahead and ate figs, and upon realizing his transgression, he designated an animal to bring as a *korban* for this transgression. If, he then went ahead and ate grapes, he is not liable to bring a *korban* for this transgression because eating grapes is only a half of the amount needed to violate the second oath, and one does not bring a *korban* for eating half of the required amount. It is evident from here that if one says, “An oath that I will not eat figs,” and “An oath that I will not eat figs and grapes,” since the second oath takes effect with respect to grapes, it also takes effect in respect to the figs. (*How can Rav Huna explain the Mishnah to mean that the second oath is completely ineffective?*)

The *Gemora* answers: Rav Huna does not hold like Rabbah. (17b1 – 17b2)

Two Terms

The *Gemora* asks on Rav Huna from the following *Baraisa*: If one vowed to observe two terms of *nezirus* and after the completion of the first *nezirus* designated animals for his conclusion procedure, and then, he annulled the first vow, the second vow of *nezirus* is fulfilled automatically by the observance of the first

term of *nezirus*. (*Obviously, the Tanna of the Baraisa maintains that both vows are valid.*) The *Gemora* asks: What is the case? If he said, “I am a *nazir* today,” and “I am a *nazir* tomorrow,” how can the second term be fulfilled with the days of the first term? He is missing one day! Rather, it is evident that he said, “I am a *nazir* today” and then he said, “I am a *nazir* today,” and we see that the second vow is effective. This is a refutation of Rav Huna!

The *Gemora* responds: No! The *Baraisa* is referring to the case where he said, “I am a *nazir* today,” and “I am a *nazir* tomorrow.” When the *Baraisa* said that his second vow of *nezirus* is fulfilled automatically by the observance of the first term of *nezirus*, it meant that it has been fulfilled *except* for the extra day.

Alternatively, the *Baraisa* can be referring to a case where he accepted two terms of *nezirus* upon himself simultaneously (*one does not take effect before the other and one does not prevent the other from being valid*). (17b2 – 18a1)

Quick Summary

* What stringency is there by *nezirus* that is not there by an oath?

If one said, “I am a *nazir*, I am a *nazir*,” he must observe two terms of *nezirus*. If he says, “An oath that I will not eat it, an oath that I will not eat it,” and he ate it, he is liable for only one (*because one oath cannot take effect upon another oath*).

* What is the *halachah* if one said, “I am a *nazir* today” and then he said, “I am a *nazir* today”?



It is an argument between Rav Huna and Shmuel.

* In what case will Rav Huna admit that he will be obligated to observe two terms of *nezirus*?

If he said, "I am a *nazir* today," and "I am a *nazir* tomorrow."

* What is the *halachah* if one says, "An oath that I will not eat figs," and "An oath that I will not eat grapes"?

Both oaths are effective.

* What is the *halachah* if one says, "An oath that I will not eat figs," and "An oath that I will not eat figs"?

The second one is not valid.

* What is the *halachah* if one says, "An oath that I will not eat figs," and "An oath that I will not eat figs and grapes"?

Rabbah holds that the second one is valid and Rav Huna maintains that it isn't.

* How can a *nezirus* be valid retroactively?

If one vowed to observe two terms of *nezirus* and after the completion of the first *nezirus* designated animals for his conclusion procedure, and then, he annulled the first vow, the second vow of *nezirus* is fulfilled automatically by the observance of the first term of *nezirus*.

[We use the *sefer Dov'vos Yaakov* extensively to assist us in preparing these summaries.]

INSIGHTS TO THE DAF

The Ra"n Elucidated

Neder within a neder – The *Mishnah* had stated: If one said, "I am a *nazir* if I eat, I am a *nazir* if I eat," and he ate it, he must observe a term of *nezirus* for each one (*he concludes his first term and afterwards begins a second term*).

This is referred to as a *neder* within a *neder* because the second *nezirus* took effect within the time period of the first, but it was impossible for him to count it until he had finished counting the first. For had it not taken effect at the moment of his *neder*, how would it take effect afterwards? At no later time does he pronounce a *neder*! So if it does not take effect now, it won't take effect later either. Rather, it is certainly now that it is taking effect, and for that reason the *Mishnah* says that there is a *neder* within a *neder*.

Two terms of *nezirus* – Rav Huna said: This *halacha* is only true if he said, "I am a *nazir* today" and then he said, "I am a *nazir* tomorrow." Since he is required to add a day of *nezirus* on account of the second vow, the second vow of *nezirus* (*for another term of thirty days*) takes effect upon the first vow. However, if he said, "I am a *nazir* today" and then he said, "I am a *nazir* today," only the first vow of *nezirus* takes effect.

When he says, "I am a *nazir* tomorrow," it means that the next day he will start counting thirty days. It emerges that he is obligated one day beyond the first *nezirus* because of the second *neder*. Since it is established in *Meseches Nazir* that if a person says, "I am hereby a *nazir* just for today," he becomes a *nazir* for thirty days, this one too, since he is obligated

because of his second *neder* to count one day in addition to the first *nezirus*, of necessity he must count thirty.

Figs and Grapes - The *Gemora* asks on Rav Huna from our *Mishnah* which stated: There is a vow within a vow, but there is not an oath within an oath. What cases is the *Mishnah* referring to? If the case of a vow is where he said, "I am a *nazir* today," and "I am a *nazir* tomorrow," and then the parallel case of an oath would be where he said, "An oath that I will not eat figs," and "An oath that I will not eat grapes." If that is the case, why isn't the second oath valid (*the second oath is completely different than the first*)? Rather, the case must be where he said, "An oath that I will not eat figs," and "An oath that I will not eat figs." The parallel case by a vow would be where he said, "I am a *nazir* today" and then he said, "I am a *nazir* today." And yet, the *Mishnah* says that the second *nezirus* is valid. This would be a refutation of Rav Huna.

The *Gemora* answers: Rav Huna could say as follows: The *Mishnah* is referring to a case where he said, "I am a *nazir* today," and "I am a *nazir* tomorrow." In that case, the *Mishnah* rules that the second *neder* has validity. The parallel case by an oath would be where he said, "An oath that I will not eat figs," and "An oath that I will not eat figs and grapes." The *Mishnah* rules in this case that the second oath does not take effect.

The Ran explains why the *Gemora* initially compares our case with one *neder* and in conclusion, compares it to another case.

The *Gemora* initially thought that the analogy should be based on not what actually happens; but rather, it should be based upon that which he said. When he said, "I am a *nazir* tomorrow," he meant that he should

become a *nazir* tomorrow for thirty days. It is as if he said, "I am a *nazir* today and tomorrow," because here too, there are twenty-nine days of the second *neder* mixed into the period of the first *neder*. And even though those twenty-nine days don't take effect at all as a result of his second *neder*, nonetheless, by this expression his *neder* is effective in that the thirty-first day is the end of the thirty days of the second *nezirus*, for that was his *neder*. It emerges that the twenty-nine days of the first *nezirus*, the second *nezirus* took effect in that the thirty-first day would be in his *nezirus*. But since *nezirus* cannot be less than thirty days, he needs to count more to complete thirty for the sake of the second *neder*.

Similarly, with respect to oaths, if he said, "An oath that I will not eat figs," and then he said, "An oath that I will not eat figs and grapes," the second oath is not effective for the figs at all, because Rav Huna does not hold that an oath can be effective within another oath even if it includes more.

The Ran is not comfortable with this explanation because just as the second oath is not effective for the figs because he already swore on them, so too the second *nezirus* is not effective for the first twenty-nine days because he already accepted *nezirus* for them. Therefore he says that when we say that he then said, "An oath that that I will not eat figs and grapes," it means that he was swearing not to eat them together. This also explains Rabbah's opinion in Meseches Shavuos that since the oath was effective for grapes, it's effective for figs too. This makes a difference in a case in which he ate figs and grapes having forgotten the first oath, and they warned him about the second, that he would incur lashes.

Rav Huna, however, does not agree with Rabbah. In such a case, Rav Huna holds that the second oath is not effective at all. Since it is not effective on figs, there is no place for it to be effective at all, because it was on both of them together that he swore, not on grapes alone. And with *nedarim* too, had the law been the same for them as for oaths, we would have said that since on twenty-nine days the second *nezirus* is not effective, on the thirtieth day it is not effective either. For when he said, "I am hereby a *nazir* tomorrow," he had in mind the entire thirty days as together, not the thirtieth day by itself, so the twenty-nine days would have been like the figs and the thirtieth like the grapes.

[We use the sefer "The Commentary of Rabbenu Nissim on Nedarim" from Rabbi Nathan Bushwick extensively to assist us in preparing the "Elucidation of the Ra"n." The sefer, written in English is available for sale by writing to: Rabbi Nathan Bushwick 901 Madison Ave. Scranton, Pa 18510-1019. The cost is \$25.00.]

DAILY MASHAL

Nazir Abstaining from Grapes

The Zohar asks the following question: Why is a Nazir forbidden, not only to drink wine, but also to eat grapes?

The Zohar answers that the reason why a Nazir cannot eat grapes is because grapes were the food that Adam ate when he consumed the fruit of the Tree of Knowledge. There are various opinions in the Talmud as to the nature of this "Etz HaDa'as". Some say it was an olive tree; some say it was wheat; one opinion was that it was a grapevine. The Zohar follows this last opinion.

The Zohar explains that the reason why a person must declare himself a Nazir and abstain from wine and grapes after seeing what happens to a Sotah is because he thereby "corrects" the sin of Adam who violated G-d's command and ate grapes from the Tree of Knowledge.

Rav Shimon Schwab, in his sefer "Mayan Beis Ha'Shoevah" helps us to explain this Zohar. Rav Schwab says that when Adam ate from the Etz HaDa'as, he diminished his "Tzelem Elokim" [Image of G-d] to a large extent. Human beings are created in the "Image of G-d". The essence of being "G-d - like" is that man controls his passions and not vice versa.

Rav Frand www.torah.org/learning/ravfrand/5762/naso.html explains: On that fateful day, when the first man ate from the Tree of Knowledge, he diminished his Image of G-d. G-d told him "do not eat". The snake came and said "but it looks so enticing and it tastes so wonderful". The snake convinced Adam and he ate from the Tree of Knowledge. He let his passions, to a certain extent, control him. Those grapes that he ate diminished his "Tzelem Elokim".