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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

### **Two Terms of Nezirus**

Rav Hamnuna asked a question (on Rav Huna) from a Baraisa. The verse states “*nazir l’hazir.*” This teaches us that one *nezirus* can take effect upon another vow of *nezirus*. One might have thought that being that an oath (*shevuah*), which is stringent, cannot take effect upon another oath, then a vow of *nezirus*, which is more lenient, certainly should not take effect upon another vow of *nezirus*! This is why the verse states “*nazir l’hazir,*” to teach us that it does not take effect.

The Gemora asks: What is the case when the Baraisa refers to a *nezirus* taking effect upon another *nezirus*? If it is a case of where a person says, “I am hereby a *nazir* today, I am hereby a *nazir* tomorrow,” would a verse be required for this (*the second vow obviously takes effect, as he is adding onto his first nezirus, which essentially makes this into two separate oaths*)! The case must therefore be when he says, “I am hereby a *nazir* today, I am hereby a *nazir* today,” and the Baraisa teaches us that the second *nezirus* takes effect upon the first! [This is a question on Rav Huna, who said that it does not take effect.]

The Gemora answers: No, the case referred to by the Baraisa is when he accepts upon himself two identical periods of *nezirus* simultaneously (*in the same sentence, such as “I am accepting two periods of nezirus today,” and in this case, Rav Huna agrees that both vows are effective*).

The Gemora asks: What did the Baraisa mean when it said that oaths are generally more stringent than vows? If it is because an oath is even effective regarding objects that have no substance (as opposed to a vow), a vow is more stringent as it is effective on mitzvos as well (*as opposed to an oath which is not effective on mitzvos*) just as it is effective on discretionary matters!?

The Gemora answers: It is because the Torah states about an oath the harsh terminology: Hashem will not absolve [anyone who takes His name in vain]. (*Even after repentance, one who swears falsely will not be absolved from this transgression without retribution.*) (18a1 – 18a2)

### **Two Oaths**

The *Mishnah* had stated: 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*).

Rava said: If the person petitioned a sage for annulment of the first oath, the second one is now effective upon him. How do I know this? This is because our *Mishnah* didn’t teach that “it is only one,” but rather taught that “he is only obligated for one.” This teaches us that while there is no space for the second oath to take effect, if the first one is annulled, the second one takes effect.

The Gemora cites another version of this statement. One can imply from the statement that “he is only obligated for one,” that there is liability for only one, but it is indeed an oath (even the second one). What halachic difference would there be? It must be for Rava’s statement, for Rava said: If the person petitioned a sage for annulment of the first oath, the second one is now effective upon him.

The Gemora attempts to bring a proof to this from the following Baraisa: If one accepted two sets of nezirus, then counted one set, designated his sacrifices for its conclusion, and then petitioned a sage for the annulment of that set, the days he counted apply to his second nezirus.

The Gemora rejects this proof, as it is possible that this was a case where the person accepted two periods of nezirus simultaneously. [*Nezirus, which is a vow, is not a proof to cases of oaths, as it is possible that the two oaths do not coexist (unlike vows).*] (18a2 – 18a3)

### **Mishnah**

Vows are interpreted stringently, but can be explained leniently. How so? If someone said, “It should be upon me like salted meat,” or “like a wine libation,” if the reference of his vow was to a shelamim offering (where the meat is salted and where libations are required), the object is forbidden. If the reference of his vow was to idolatry, it is permitted (for those are things which are intrinsically prohibited, and not on account of a vow). If he did not specify, it is forbidden.

Similarly, if he said, “It should be upon me like a cheirem,” if he said like a cheirem of Heaven, it is forbidden. If he said “like a cheirem that is pledged to

Kohanim, it is permitted (for cheirem of Kohanim is merely their property but nonsacred). If he did not specify, it is forbidden.

Similarly, if he said, “It should be upon me like *ma’aser* (*tithes*),” if the reference of his vow was to tithes of animals, it is forbidden. If the reference of his vow was to tithes from the granary, it is permitted (for many Tannaim hold that *ma’aser rishon* is nonsacred). If he did not specify, it is forbidden.

Similarly, if he said, “They are upon me like *terumah*,” if the reference of his vow was to *terumah* given for the yearly *korbanos* (*called the termuas ha’lishkah*), it is forbidden. If the reference of his vow was to *terumah* given to kohanim, it is permitted. If he did not specify, it is forbidden. These are the words of Rabbi Meir.

Rabbi Yehudah says: If one vowed but did not specify the *terumah* (he was referencing), in Yehudah, they are forbidden, while in the Galil, they are permitted, as people in the Galil are not familiar with the *termuas ha’lishkah* (*as they were far away from Yerushalayim and therefore did not commonly talk about it*).

Additionally, if one vowed but did not specify the “cheirem” (he was referencing), in Yehudah, they are permitted, and in the Galil, they are forbidden, as people in the Galil are not familiar with the cheirem given to *Kohanim*. (18b1 – 18b2)

### **Doubtful Nezirus**

The Gemora asks: But it was taught in a *Mishnah* that a doubtful *nezirus* is ruled leniently?

Rabbi Zeira answers: This is not difficult, as this *Mishnah* regarding nezirus) is in accordance with Rabbi



Eliezer and this (our) Mishnah is in accordance with the Rabbis, as this argument was taught in a Baraisa: If one consecrates his undomesticated animals or his domesticated animals, he has also consecrated his *koy* (an animal that could not be determined if it should be classified as a *beheimah* or as a *chayah*; the Rabbis maintain that the *koy* is included in his consecration). Rabbi Eliezer holds that he did not consecrate the *koy*.

The *Gemora* explains the analogy: The *Tanna Kamma* maintains that if a person may bring his property (to a prohibition) in a case of uncertainty, he may also bring himself (to a prohibition as a *nazir* or in respect to a *neder*) in a case of uncertainty. Rabbi Eliezer, however, holds that just as one does not bring his property (to a prohibition) in a case of uncertainty, he certainly can't bring himself (to a prohibition as a *nazir* or in respect to a *neder*) in a case of uncertainty. (18b2 – 19a1)

### Quick Summary

\* Where is it derived from that one *nezirus* may take effect upon another one?

The verse states “*nazir l’hazir*.”

\* In what respect is an oath considered more stringent than a vow?

It is because the Torah states about an oath the harsh terminology “he will not be cleansed.” (Even after repentance, one who swears falsely will not be absolved from this transgression.)

\* Is there any validity to an oath upon an oath?

Yes! If the first one is annulled, the second one takes effect.

\* What is the meaning that “indeterminate vows are treated stringently”?

If he uses a language that can be interpreted in two different ways. One way, the *neder* will be valid and the other way, it wouldn't. If he doesn't explain his meaning, we assume that he meant to make a *neder*.

\* Is that true regarding their interpretations as well?

No! We interpret a vow in the lenient manner.

\* What are the two types of “*cheirems*”?

Either to the *Kohanim* or to the *Beis Hamikdosh*.

\* 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*.

\* What is the *halacha* if he did not specify which *terumah*?

According to Rabbi Meir, it is forbidden. According to Rabbi Yehudah, it would depend. In Yehudah, it is forbidden, while in the Galil, it is permitted.

\* What is the *halacha* if he did not specify which *cheirem*?

In Yehudah, it is permitted; in the Galil, it is forbidden.

\* What is the *halacha* by an indeterminate vow for *nezirus*?

Rabbi Zeira says that it is a matter of a Tannaic dispute.

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

## INSIGHTS TO THE DAF

### *The Ra"n Elucidated*

**One on the other** – The Ran cites other commentators who say that when the *Mishnah* says that one *neder* can take effect within another, it means that one may be liable for two violations for a single act of eating. If one says, “This bread is forbidden to me, this bread is forbidden to me,” and then he eats the bread, he will be guilty of two violations. This would be in contrast to an oath where he would only be liable for one transgression because the second one is not valid.

The Ran himself brings proof that this is incorrect and even by a *neder*, he will only be liable for one. The *Mishnah* is only referring to the case of a *nazir*.

However, the Ran concludes that *nedarim* are stronger than oaths in the following manner: A *neder* may take effect upon an oath, but an oath cannot take effect upon a *neder*. For example, if one took an oath that he will eat a certain loaf of bread and then he said, “This loaf is forbidden to me,” the *neder* takes effect. Just as a *neder* can take effect upon a *mitzvah*, it can take effect upon an oath. This is because an oath and a *mitzvah* are both prohibitions on the person and a *neder* is on the object; it can therefore take effect.

And just as a *neder* can take effect on an oath to nullify it, so too, it can take effect upon an oath to uphold it. Therefore, if one took an oath that he will not eat a certain loaf of bread and then he said, “This loaf is forbidden to me,” the *neder* takes effect. If he would eat the bread, he would be liable for transgressing an oath and a *neder*.

However, an oath cannot take effect upon a *neder*. This is because of the following reason. Once someone makes a *neder* and the object becomes forbidden to him, there is now a prohibition on of the person not to desecrate his word and derive benefit from the object. Therefore, it is like any other prohibition in the Torah, and the oath cannot take effect upon it.

**[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.]**

### *Second One Takes Effect*

The *Gemora* states: Although the *Mishnah* had stated that if someone makes two consecutive oaths that he will not eat something and he eats it, he has transgressed one prohibition (*for the second one does not take effect*), if the person asked for the first oath to be permitted (*and it was*), the second oath is now valid.

There is a discussion if the second oath (*before the first one was annulled*) is regarded as an oath taken in vain (*similar to an oath to nullify a mitzvah*).



The Ritva writes: If he has the first one annulled, the second one is not regarded as an oath taken in vain, for now, it takes effect. He, therefore, would not incur lashes for the second oath.

The Nimukei Yosef maintains that even while the first oath is intact, the second oath is not regarded as an oath taken in vain. This is because it has potential for being a valid oath, i.e. if the first one is annulled. Others say that it is not considered in vain for the second oath is essentially an oath in order to uphold a *mitzvah* (*fulfilling the first one*), and we learned above that this is an admirable thing to do.

Rashi in Shavuos explains the reason why the second oath takes effect after the first one is annulled. He says it is because a sage has the power to retroactively revoke the oath in a manner as if the oath was never uttered. Accordingly, the second one is valid, for there is no first one any longer.

The Shach writes that according to this, the second one will only take effect if a sage annulled the oath. However, if the husband annulled the oath of his wife, her second oath would not take effect. This is because a husband does not retroactively revoke her oath; it is only considered void from this moment and on. The first oath is not regarded as if it never existed and therefore, the second one does not take effect.

Reb Akiva Eiger disagrees. He states: The reason why the second oath does not take effect initially is because one prohibition cannot take effect upon another. The second prohibition exists, but it is in a pending state. As soon as the first prohibition is removed, the second one “wakes up” and takes effect. This would be true when the husband annuls the oath of his wife as well.

## DAILY MASHAL

### *No More Excuses*

As stated in our sugya, the oath of a person who swears to observe a mitzvah has no validity. On the other hand, the Gemora (8a) says, “How do we know that one can swear to observe a mitzvah? We are told: ‘I swore and shall uphold to observe the judgments of your righteousness’. But isn’t he sworn from Mount Sinai? But this tells us that a person is allowed to urge himself.” In other words, a person is permitted to swear to observe a mitzvah of the Torah to urge himself to uphold it.

The Stiepler Gaon zt”l offered the following explanation: When lazy about a certain mitzvah, people tend to find an excuse that in certain circumstances they are exempt from observing it. But when a person swears to urge himself to observe it, his oath reminds him: “What’s with you? If you’re exempt from the mitzvah, you’re still bound by your oath to observe it” (Kehilos Ya’akov, Nedarim, §10).