

9 Mar-Cheshvan 5782  
Oct. 15, 2021



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

The Gemara cites a Baraisa: That which emerges from your lips: this is a positive commandment. You shall observe: this is a negative commandment. And do: this is an injunction to the Beis din to make you do so. Just as you vowed: this means a neder. To Hashem your God: this means chatas-offerings and asham-offerings, olah-offerings and shelamim-offerings. A nedavah: this has its literal meaning. That which you spoke: this means things sanctified for the repair of the Temple. With your mouth: this means charity.

The Master has here said that ‘that which emerges from your lips: this is a positive commandment’. Why do I require the words for this purpose? This lesson can be derived from the words, and you shall come there [i.e., to the Temple] and you shall bring there.? ‘You shall observe; this implies a negative commandment’. Why do I require these words? This lesson can be derived from ‘you shall not delay to pay it’. ‘And do: this is an injunction to the Beis din to make you do so’. Why do I require these words? This lesson can be derived from ‘he shall bring it,’ as it has been taught: He shall bring it: this teaches us that we compel him [if necessary]. I might say, even against his will. Therefore, it says, of his own will. What is to be done then? We compel him until he says ‘I am willing’. [What is the answer?] — The one [set of texts deal with the case] where he had pledged himself but had not yet set aside the animal, the other with the case where he had set it aside but had not yet offered it. And both are required. For if the rule had been laid down only for the case where he had pledged himself but had not yet set aside the animal, [I might say that the reason is] because he has not yet

carried out his word, but where he has set it aside but not yet offered it I might argue that wherever it is, it is in the treasury of the Merciful One. These texts therefore were necessary. And if again the rule had been laid down only for the cases where he has set the animal aside but not yet offered it, I might say that the reason is because he is keeping it by him, but if he has pledged himself without having yet set it aside I might argue that his mere word counts for nothing. Therefore, these texts are also necessary.

But how can you say that [one set of texts is] where he has pledged himself but not yet set aside, seeing that ‘nedavah’ is mentioned, and we have learned: What is a neder? When a man says, I pledge myself to bring an olah. What is a nedavah? Where a man says, I declare this to be an olah. What is the difference [in practice] between a neder and a nedavah? If [an animal set aside to perform] a neder dies or is stolen, he has to replace it, but if a nedavah dies or is stolen he is not bound to replace it! — Rava replied: You can find a nedavah of this kind in the case where he said, ‘I pledge myself to bring an olah on condition that I shall not be obliged to replace it’. (6a1 – 6a3)

‘With your mouth: this is charity’. Rava said that one who vows to give charity is subject to the prohibition of delaying instantly (even before the passage of any of the festivals). What is the reason for this? It is because the poor people are standing in front of us (and it is essential that they receive the charity immediately). Surely this is obvious? — [Not so, since] you might think that, as charity

is mentioned in the passage dealing with offerings, [it need not be paid] till three festivals have elapsed, as in the case of offerings. We are therefore told that this is not so. Only the others [the offerings] were made by the Merciful One dependent on the festivals, but this [charity] is not so, because the poor are waiting. (6a3)

Rava says that one who vows to bring a korban and has not brought it after one festival has violated a positive commandment. The Gemara challenges this from the following Mishnah: Rabbi Yehoshua and Rabbi Pepayes testified that the offspring of a shelamim should be offered as a shelamim.<sup>1</sup> Rabbi Pepayes said: I testify that we had a cao that was a shelamim sacrifice and we ate it on Pesach and its offspring as a shelamim on Sukkos. – It is understandable 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 Zevid answers in the name of Rava that the offspring was sick on Shavuos (and could not be brought). Rav Ashi answers that when the Gemara stated that it was brought on the 'Chag,' it is referring to Shavuos and not to Sukkos. The other did not answer like this, for whenever a Tanna says "Pesach," he says "Atzeres' (if he is referring to Shavuos, not "Festival"). (6a3 – 6b1)

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.

The Gemara challenges this from a Baraisa: Regarding a bechor or any other sacrifice - if a year passes by without

three festivals or three festivals pass by without a year, would be liable for transgressing the prohibition against delaying. Now, is this a refutation? Rav Kahana said: The one who challenged Rava's ruling challenged it well, for let us see: The Tanna is looking for prohibitions; let him then state, 'he transgresses the commandment of "not delaying" every day'. What does the other say to this? – [He says that] the Tanna is only anxious to stamp the act as forbidden; he does not look for extra prohibitions. (6b1)

It was stated above: Regarding a bechor or any other sacrifice - if 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 Gemara 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 Gemara answers that according to Rebbe, we can find such a case in a leap year, for it was taught in a Baraisa: It is written: *a full year*. Rebbe says: He (a seller of a house) is allowed (*in every year*) according to the solar year (*he has the entire solar year to redeem it, consisting of 365 days, which is composed of the 354 days of the lunar year, plus the eleven days difference between the lunar and the solar year*). The Sages, however, say: He counts twelve months from day to day. And if the year is intercalated, the advantage belongs to the seller (for he gains an extra month, in which he can redeem it). Now, according to Rebbe, if one consecrated an animal after Pesach so that

<sup>1</sup> 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.



when the last Adar arrives (and the year is a leap year), the year will be complete, but three festivals did not pass, but according to the Sages, how do we find such a case? – It is found according to the Baraisa taught by Rav Shemayah:<sup>2</sup> Shavuos can sometimes be on the fifth of Sivan, sometimes the sixth and at times can fall out on the seventh of Sivan.<sup>3</sup> For instance, if both of them are full, it is on the fifth; if both of them are defective, it is on the seventh; if one is full and the other defective, it is on the sixth.<sup>4</sup> Who is the Tanna who takes a different view from Rav Shemayah? It is the 'Others', as it has been taught: Others say that between Shavuos and Shavuos and between Rosh Hashanah and Rosh Hashanah there is always an interval of four days [of the week],<sup>5</sup> or, in a leap year, five.<sup>6</sup> (6b1 – 6b3)

Rabbi Zeira inquired: Is an inheritor subject to the prohibition against delaying. [An heir is obligated to bring the korbanos for his father.] [Do we reason that] the Merciful One has said 'When you shalt make a vow', and he has not made a vow, or [perhaps we apply the text], and you shall come there and you shall bring there and he also is liable?<sup>7</sup> – Come and hear, since Rabbi Chiya has taught: 'From you [me'imach]': this excludes the heir. But this 'me'imach' is required to bring under the rule gleanings, forgotten sheaves, and corners of the field? – I expound imach, and I expound me'imach. (6b3 – 6b4)

Rabbi Zeira inquired: Is a woman who made a vow to bring a korban subject to the prohibition against delaying. Do

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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

we say: A woman is not obligated to appear in the Beis Hamikdash on the festivals and therefore she should not be included in the prohibition against delaying. Or since she is obligated in the mitzvah of simchah<sup>8</sup> (perhaps we can say that she is included in this prohibition). — Abaye replied: Isn't the answer provided by the fact that she is enjoined to rejoice? But could Abaye say this, seeing that Abaye has said that a woman is made joyful by her husband? Abaye was answering Rabbi Zeira on his own premises. (6b4)

The question was raised: From what day is the year of the bechor reckoned? — Abaye said: From the hour of its birth; Rav Acha bar Yaakov said: From the time when it can be used for appeasement. Nor is there any conflict of opinion between them; one speaks of an animal without a blemish, the other of an animal with a blemish. Can a blemished animal be eaten [on the day of birth]? [We speak of one] of which we know for certain that it has not been born prematurely. (6b4 – 7a1)

## INSIGHTS TO THE DAF

### 3) THE OMISSION OF THREE KORBANOS FROM THE BERAISA 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

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.

<sup>5</sup> They held that the months are full and defective in strict rotation, and the year consequently has 354 days, which is four days over 50 weeks. On this view, Shavuos must always be on the sixth of Sivan.

<sup>6</sup> It being assumed that the intercalary month consists always of twenty-nine days. i.e., four weeks and a day.

<sup>7</sup> The Gemara 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.

<sup>8</sup> Which would require her to visit Jerusalem on the Festivals.

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.

#### DAILY MASHAL

**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. Rebbi 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 Shmuelelevitz 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 Rebbi 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)