



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

1) ONE WHO TRANSGRESSED HIS VOW

(a) (GEMARA) QUESTION: OUR MISHNAH IS NOT LIKE R. YOSI, NOR LIKE CHACHAMIM!

1. (Beraiisa): If one vowed and transgressed his vow, we do not annul his vow (Rashi; Tosfos - we do not let him bring Korbanos for completing his Nezirus) until he observes the Isur(im) for as many days like he transgressed;

2. R. Yosi says, it suffices to observe the Isur(im) for 30 days.

i. Version #1 (our text, according to Rashi): The Mishnah cannot be like Chachamim. Chachamim obligate him to observe extra days when he accepted a short Nezirus (and the same applies to a long Nezirus)!

ii. The Mishnah cannot be like R. Yosi. He says that it suffices to observe 30 days, even if he accepted a long Nezirus (and the Mishnah obligates completing the term he accepted)!

(b) ANSWER #1: THE MISHNAH CAN BE LIKE R. YOSI. IT DISCUSSES ONLY A SHORT NEZIRUS.

1. Version #2 (Tosfos): The Mishnah cannot be like Chachamim. Chachamim obligate him to observe extra days when he accepted a long Nezirus (and the same applies to a short Nezirus)!

2. The Mishnah cannot be like R. Yosi. He obligates observing 30 days, even if he accepted a short Nezirus (the Mishnah does not obligate extra days)!

(c) ANSWER #1: THE MISHNAH CAN BE LIKE R. YOSI. IT DISCUSSES ONLY A LONG NEZIRUS. (END OF VERSION #2)

(d) ANSWER #2: THE MISHNAH CAN BE LIKE CHACHAMIM. DO NOT READ 'HE COUNTS NEZIRUS FROM THE DAY HE ACCEPTED', RATHER, HE COUNTS (EXTRA) DAYS LIKE FROM THE DAY HE ACCEPTED (AND TRANSGRESSED).

2) MISTAKEN HEKDESH

(a) (MISHNAH): IF A CHACHAM DECLARED HIS NEZIRUS TO BE VOID...

(b) (R. YIRMEYAH): FROM BEIS SHAMAI, WE CAN LEARN WHAT BEIS HILLEL WOULD SAY IN A SIMILAR SITUATION;

1. Beis Shamai say that mistaken Hekdesh is Hekdesh, but if it turns out that he was never a Nazir, an animal (designated for Korbanos Nazir) may graze with the flock (it has no Kedushah);

2. Beis Hillel agree that mistaken Temurah becomes Hekdesh. This applies only when the first animal really was Hekdesh;

i. If the Kedushah of the first animal is uprooted (retroactively), also the Temurah becomes Chulin.

(c) (MISHNAH): DON'T YOU ADMIT THAT IF HE CALLED THE NINTH ANIMAL '10TH'...

(d) (RAV NACHMAN): THIS LAW (THE NINTH AND 11TH ANIMALS BECOME KODESH) IS ONLY IF HE CALLED THEM '10TH' BY MISTAKE, BUT NOT IF HE KNEW THAT THEY ARE NOT THE 10TH;

(e) (RAV CHISDA AND RABAH BAR RAV HUNA): THEY ARE KODESH IF HE ERRED, ALL THE MORE SO IF HE KNEW THAT THEY ARE NOT THE 10TH!

(f) QUESTION (RAVA TO RAV NACHMAN): BEIS SHAMAI CHALLENGED BEIS HILLEL FROM THE FACT THAT THE NINTH AND 11TH GET KEDUSHAH BY MISTAKE, AND BEIS HILLEL DID NOT ANSWER (FROM THESE CASES THEMSELVES). ACCORDING TO YOU, BEIS HILLEL SHOULD HAVE ANSWERED (FROM NINE AND 11) THAT HERE IS DIFFERENT, SINCE IT DOES NOT WORK IF HE KNOWINGLY CALLS THEM '10TH' (SO IT MUST BE A GEZEIRAS HA'KASUV (A SPECIAL LAW, FROM WHICH WE CANNOT LEARN)!

(g) ANSWER (RAV SIMI BAR ASHI): THIS WOULD NOT BE A GOOD ANSWER. IF MA'ASER OF ANIMALS WORKS (IS MEKADESH THE NINTH AND 11TH) BY MISTAKE, EVEN THOUGH IT DOES NOT WORK WITH INTENTION, ALL THE MORE SO, STANDARD HEKDESH WORKS BY MISTAKE (SINCE IT WORKS WITH INTENTION)!

(h) REJECTION: THIS KAL V'CHOMER IS WRONG. STANDARD HEKDESH DEPENDS ON THE INTENTION OF THE OWNER OF THE ANIMAL. (MA'ASER DEPENDS ONLY ON BEING THE 10TH.)

(i) (MISHNAH): IF ONE ACCEPTED NEZIRUS, AND THEN FOUND THAT THE ANIMAL HE INTENDED TO BRING WHEN HE SHAVES WAS STOLEN:

1. If it was stolen after his vow, he is a Nazir;

2. If it was stolen before he vowed, he is not a Nazir.

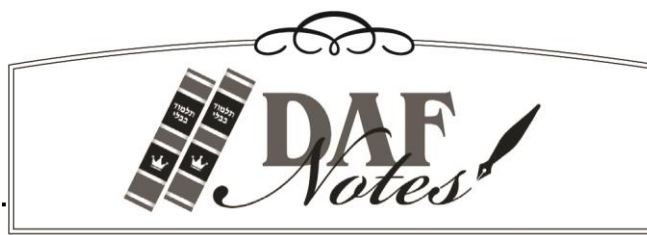
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(j) NACHUM THE MEDE ERRED IN THIS LAW WHEN NEZIRIM ASCENDED FROM BAVEL AND HEARD THAT THE SECOND MIKDASH HAD BEEN DESTROYED.

1. Nachum: Had you known that the Mikdash would be destroyed, would you have vowed?

2. They said 'no', and he annulled their Neziruyos.

3. Chachamim: Anyone who vowed before the Churban is a Nazir. One who vowed after the Churban is not a Nazir.



(k)(GEMARA - RAVA): (OUR MISHNAH REFUTES NACHUM, AND CONCLUDES THAT WE DO NOT ANNUL VOWS BASED ON NOLAD (SUBSEQUENT UNEXPECTED EVENTS). IN NEDARIM, R. ELIEZER PERMITS ANNULING BASED ON NOLAD. (HE WAS ALIVE AT THE TIME OF THE SECOND CHURBAN, BUT HE DID NOT ARGUE WITH CHACHAMIM WHO REFUTED NACHUM, BECAUSE) CHACHAMIM OVERWHELMED R. ELIEZER WITH PROOFS, AND MADE HIM AGREE WITH THEM:

1.(Mishnah - R. Eliezer): We are Pose'ach (suggest that a vow was mistaken) based on Nolad;

2.Chachamim forbid.

(l)(RAVA): CHACHAMIM SAY THAT WE ARE NOT POSE'ACH WITH NOLAD, BUT WE ARE POSE'ACH WITH CONDITIONAL NOLAD:

1.We say 'when you vowed, had you been told that the Mikdash was destroyed (our text, Rashi, Tur; Rosh - will be destroyed before your Nezirus finishes), would you have vowed?'

(m)(RAV YOSEF): HAD I BEEN THERE AT THE TIME, I WOULD HAVE TOLD CHACHAMIM THAT THE CHURBAN WAS NOT NOLAD!

1."Heichal Hash-m, Heichal Hash-m, Heichal Hash-m" allude to the first two Mikdashos (which will both be destroyed, hence there will be a third).

(n)QUESTION: STILL, IT IS NOLAD! IT WAS KNOWN THAT THE MIKDASH WOULD BE DESTROYED, BUT IT WAS NOT KNOWN WHEN!

(o)ANSWER (ABAYE): THE TIME OF THE CHURBAN WAS KNOWN - "SEVENTY SEVEN-YEAR CYCLES HAVE BEEN DECREED ON YOUR PEOPLE AND YOUR HOLY CITY (I.E. 490 YEARS AFTER THE DESTRUCTION OF THE FIRST MIKDASH)"!

(p)REBUTTAL: GRANTED, THE YEAR WAS KNOWN, BUT THE DAY OF THE YEAR WAS NOT.

prepared by Rabbi Pesach Feldman of Kollel Iyun Hadaf,
Yerushalayim
daf@dafyomi.co.il, www.dafyomi.co.il