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Nazir Daf 62

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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

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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

### ***Expounding the Verses***

The *Gemora* asks: The laws of evaluations (*where someone pledges the value of another person to hekdesh*) are compared to the laws of vows, as the verse states: *If a man shall clearly utter a vow regarding a valuation*. And it was taught in a *braisa* with respect to vows: Why does the Torah say “A man, a man”? It is to teach us that an idolater can vow vowed-offerings and freewill-offerings just like Jews. Why is it necessary for the Torah to write, *If a man shall clearly utter a vow regarding a valuation?* [Why is it necessary to include idolaters in *erech-vows* from the extra “a man”? We would learn that they could be a subject to those types of vows from the fact that the laws of evaluations are compared to vows!]

The *Gemora* answers: The verse “a man” is necessary to teach us that an informed minor, who has not quite reached manhood, can also pronounce a vow (*and the vow is binding, provided that he understands the nature of a vow*).

The *Gemora* asks: All is well according to the one who maintains that the vow of an informed minor, who has not quite reached manhood, is Scripturally valid. However, according to the one that holds that his vows are only Rabbinically valid, what is derived from that verse?

The *Gemora* answers: The verse teaches us that an informed minor, who has not quite reached manhood, who is an idolater, can also pronounce a vow.

The *Gemora* asks: All is well according to the one (*Rabbi Yehudah*) who learns as follows: Regarding evaluations, the verse states, “*Speak to Bnei Yisroel*.” This implies that only Bnei Yisroel can be the subjects of such pledges, while idolaters cannot. One might think that idolaters, therefore, cannot even declare such a pledge. The verse therefore states, “Man” (*implying any man*). [Since he holds that an idolater can make such a pledge, it makes sense that he uses this verse to teach that an idolater’s informed minor can make such a vow as well.] However, according to the one (*Rabbi Meir*) who learns as follows: Regarding evaluations, the verse states, “*Speak to Bnei Yisroel*.” This implies that only Bnei Yisroel can make such pledges, while idolaters cannot. One might think that idolaters, therefore, cannot even be the subject of the pledge. The verse therefore states, “Man” (*implying any man*). Accordingly, why would it be necessary for the verse to teach us that an idolater’s informed minor can be subject to such a pledge? Even a one-month-old baby can be evaluated as a subject for such a pledge! What, therefore, is derived from the verse, *If a man shall clearly utter?*

Rav Ada bar Ahavah answers: The extra verse teaches us that an adult idolater, who does not understand the nature of vows, cannot make a vow (*Tosfos*).

The *Gemora* asks: Since *nezirus* is compared to vows, what is derived from the verse, *If a man shall clearly utter written by nezirus?*

The *Gemora* answers: It is to teach us that a partial declaration, which is inconclusive (*in respect to its meaning*), is ineffective. For we learned with respect of a partial declaration, which is inconclusive: Abaye holds that they are valid partial declarations, and Rava maintains that they are ineffective.

The *Gemora* asks: This explanation of the verse is understandable only according to Rava, but not Abaye!

Rather, the *Gemora* answers: The verse *If a man shall clearly utter written by nezirus* is necessary for Rabbi Tarfon's teaching, for we learned in a *braisa*: Rabbi Yehudah said in the name of Rabbi Tarfon: (A person said, "I am a nazir if that man is So-and-so," and another person said, "I am a nazir if that man is not so-and-so") Neither of them is a *nazir*, for *nezirus* can only take effect when there is a clear expression (*without any doubt; even if later we find out that the condition was met*).

The *Gemora* asks: But what do the *Chachamim*, who disagree with Rabbi Tarfon, use the verse for?

The *Gemora* answers: It is necessary for that which we learned in the following *braisa*: (*The Mishna stated:*) The laws concerning the release from vows float in the air and they do not have Scriptural support (*there are methods for annulling a vow, however, their actual source cannot be found in Scripture, and rather it is an oral tradition*). Rabbi Eliezer (in a *braisa*) states: They are based upon a Scriptural source, for it is written: *If a man shall clearly utter* (written by *erech*-vows) and it is written: *If a man shall clearly utter* (written by *nezirus*). One verse teaches us that a clear declaration is needed to pronounce a vow and the other verse teaches us that his clear declaration

of his vow (*in the presence of a sage*) can release him from his vow. (62a)

## Mishna

There is a stringency regarding *nezirus* that applies to slaves, but not to women. A husband may revoke his wife's vows, but a master cannot revoke his slave's vows (*although he may command him to violate the nezirus; he cannot revoke it*). If he revokes his wife's vow, it is revoked forever. If he revoked his slave's vow (*he commanded him to violate it*), the slave must complete the *nezirus* after he is set free. (62b)

## Master Overriding the Slave

The *Gemora* cites a *braisa*: A master can force his slave to violate his *nezirus* vow, but he cannot force him to violate an ordinary vow or evaluation pledge.

The *Gemora* asks: Why can the master force the slave to violate his *nezirus*? It is because the Torah writes: *To forbid something upon his soul*. This is applicable only to someone who owns himself (*he can forbid things upon himself*). This excludes a slave, as he does not own himself (*although his nezirus vow is valid, the master can override it, if he wishes*). Accordingly, the master should be able to override his ordinary vows as well!

Rav Sheishes answers: We are discussing a case where there is a cluster of grapes lying before the slave. If he pronounces a vow, forbidding himself from this cluster, the master cannot command him to violate the vow, for the slave is not forbidden from other clusters (*and therefore the inability to eat from this cluster does not interfere with his ability to work; the master, therefore, has no reason to object to the slave's vow*). However, with respect to *nezirus*, where he will become forbidden from



all clusters, the master is able to force his slave to violate his *nezirus*.

The *Gemora* asks: But what about a case where there is only this cluster (*and no other food is available*), and if he does not eat from it, he will become weak? [*Shouldn't the master be given the ability to override his slave's vow in such a case?*]

Rather, Rava answers: We are discussing a case where there is grape-seed lying before the slave. If he pronounces a vow, forbidding himself from this grape-seed, the master cannot command him to violate the vow, for the slave is not forbidden from other grape-seeds (*and therefore the inability to eat from this grape-seed does not interfere with his ability to work; the master, therefore, has no reason to object to the slave's vow*). However, with respect to *nezirus*, where he will become forbidden from all grape-seeds, the master is able to force his slave to violate his *nezirus*.

The *Gemora* asks: But what about a case where there is only this grape-seed (*and no other food is available*), and if he does not eat from it, he will become weak? [*Shouldn't the master be given the ability to override his slave's vow in such a case?*]

Abaye explains the *braisa* differently: A master can force his slave to violate his *nezirus* vow, but it is not necessary to force him to violate an ordinary vow or an oath (*since these are not valid in the first place*).

What is the reason for this distinction? It is because it is written: *To do evil or to do good*. Just as doing good is a voluntary undertaking, so must the doing of evil be a voluntary undertaking. The doing of evil to others being thereby excluded, since he has no authority to do so (*a slave cannot make a vow, since forbidding himself from various foods will interfere with his ability to work; nezirus, on the other hand, is effective, for an ordinary*

*nezirus prohibits a person from drinking wine, even when the wine is necessary for a mitzvah*). (62b)

## **Mishna**

If the slave ran away from the master, Rabbi Meir says: He is prohibited from drinking wine. Rabbi Yosi said: He may drink wine. (62b)

## **Slave Goes Free**

The *Gemora* comments: Let us say that they are arguing with respect of Shmuel's *halachah*, for Shmuel said: A master who declares his slave ownerless, the slave goes out to freedom and it is not necessary to write a document of emancipation. Rabbi Meir would seemingly hold like Shmuel (*the slave is now free, and therefore, he must observe his vow of nezirus*).

The *Gemora* counters: No! Both *Tannaim* can agree with Shmuel's *halachah* (*in a case where the master despairs of retrieving his slave; however, in the case that the Mishna is discussing, the master did not give up hope*). The one who holds that the slave may drink wine maintains that the master is under the impression that his slave will return to him, and he therefore thinks, "Let the slave drink wine now, so he won't be weakened when he returns." The other *Tanna* holds that the master thinks, "The slave should suffer now (*by not drinking wine*) in order that he should return." (62b)



## INSIGHTS TO THE DAF

### ***Accepting Charity from an Idolater***

The *Gemora* cites a Scriptural source to teach us that an idolater can vow vowed-offerings and freewill-offerings just like Jews.

The Haga'os Ashri (*in Bava Basra*) brings the following question in the name of the Maharich: Why are we not allowed to accept charity from an idolater, but we are permitted to accept his *korbanos*?

He answers in the name of his Rebbe: A voluntary *korban* is not brought to serve as atonement, and therefore, we are not concerned if they offer a sacrifice, for those do not bring about forgiveness and they will not serve as a protection for them. However, one who gives charity receives atonement for his sins, and merits protection for his good deed. It is not in our best interests to assist them in this matter.

### ***An Idolater is Stricter than a Jew***

The Rishonim ask: It is evident from our *Gemora* that according to the one that holds that an informed minor, who has not quite reached manhood, can only Rabbinically pronounce a vow, but Biblically, it will not be effective; nevertheless, with respect to an idolater, an informed minor, who has not quite reached manhood, may pronounce a vow and it will be Biblically binding. Why would this be? How can an idolater be more stringent than a Jew?

The Mefarsh explains that there are other examples where we find that the law is stricter with an idolater than it is with respect of a Jew. The *Mishna* in Bava Kamma teaches us that if the ox of idolater gores an animal

belonging to a Jew, the idolater is liable to pay full damages, even if the ox gores for the first time. A Jew, however, whose ox gores for the first time, will only be liable to pay half-damages.

Tosfos suggests the following: A Jewish adult is subject to the prohibition against desecrating his word. Accordingly, we expound that any Jew who is not included in this prohibition cannot pronounce a vow. A minor, who is not subject to this commandment, cannot therefore utter a vow, which would be Biblically valid. An idolater, however, who is not included in this prohibition, cannot be excluded from pronouncing a vow based on this, and therefore, even a minor's vow would be Biblically binding.

It is evident from Tosfos that the prohibition against desecrating his word is not applicable to an idolater. The Mishna L'melech cites proofs that an idolater is obligated to keep his word based upon the prohibition against desecrating his word.

The Ohr Sameach answers this question by citing the Chasam Sofer, who says that any idolater, even a minor is obligated to observe their commandments. This explains why with respect to idolaters, an informed minor, who has not quite reached manhood, can pronounce a vow and it will be Biblically valid, whereas a Jewish minor cannot. By an idolater, there is no distinction whatsoever between a minor and an adult. Proof to this is from the Rosh, who states that the guidelines for a minor to reach adulthood are learned from an oral tradition that was transmitted to Moshe at Sinai with respect to all measurements. These laws were given to the Jewish people; not for the idolaters.

## DAILY MASHAL

### ***Idolater's Korban***



Our Gemora derives from the redundancy of the word ish, man (ish ish), which we translate as "any man," that a gentile may also bring a korban to the Bais Hamikdash.

There is, however, a fundamental difference between the korban that a Jew brings and that which a gentile brings: the korban of a non-Jew is locked into the Korban Olah, Burnt-offering/Elevation-offering category. Even if the gentile articulates his clear intention to offer a Korban Shelamim, Peace-offering, it remains an Olah - a korban which is completely burnt. No one partakes of a Korban Olah. The reason for this is that we "say" the gentile's intention was for Hashem; he wanted to contribute a sacrifice totally for Hashem. When a Jew, however, states that the korban is a Shelamim, it will become a Shelamim. This is problematic, since Chazal seem to imply that a gentile's intention is more likely to be for Hashem than that of a Jew, whose intention might be for a Shelamim - which allows him to eat of the korban's flesh. This is inconsistent with a number of statements which Chazal make in which they say that a gentile's intention is not necessarily for Hashem. An ulterior motive seems to underlie their overt intentions l'shem Shomayim, for the sake of Heaven.

Horav Aryeh Leib Bakst, zl, explains the disparity and teaches us an important principle concerning Jewish dogma in contradistinction to that of other religions. Religion and spirituality can certainly be found in the non-Jewish world. In fact, it is one of the non-Jewish world's greatest areas of commerce. A basic principle distinguishes the two: Spirituality and physicality; holy and mundane do not mix - ever! When a gentile is involved in spiritual discourse, he has no room to include anything physical/material. Like water and oil, the two do not mix together. They are opposites; hence, they must each retain their own individuality. To mix the mundane with the sacred is to profane the sacred. Likewise, when they are immersed in their physical dimension - it is all

physical, all material - with no room for anything sacred to integrate. They drink for pleasure. Nothing is sacred about drinking; is it any wonder that in all areas of physicality, they can descend to the nadir of depravity to carry out their base desires?

Rabbi A. Leib Scheinbaum elaborates: Jewish dogma is in total contradistinction to this line of thinking. Every moment of a Jewish person's life is devoted to Hashem. How is this? Considering our occupation with the worldly, material and physical aspects of life - how can we say that we are always engaged in avodas Hashem, service to the Almighty? It is because we do not believe in a dichotomy between the physical and spiritual. Our entire physical dimension is governed by halachah. From the moment we arise in the morning, until we retire to bed at night, halachah is our spiritual/moral compass. Everything that we do must pass muster in accordance with halachic guidelines. Everything we do is focused on kavod Shomayim, enhancing the glory of Heaven.

Therefore, the concept of a Korban Shelamim, which might be viewed as a spiritual hybrid - with the owner partaking of its flesh, and the Sanctuary receiving its due when the Kohanim consume their portion - suggests that their eating effects atonement from the owner. It is all based on one's intention. With the proper kavanah, intention, one is able to sanctify the mundane, elevate the physical and transform it into a completely different entity. By elevating the mundane objects and activities in life to a higher spiritual purpose, we are sanctifying them.

This is the incredible power of a Jew. We can take something which is chullin, secular, and, through a simple declaration, make it Terumah, Maaser, a korban - something so holy that it is no longer permissible to be eaten by just anyone. When one ponders this awesome power, he should be invested with a feeling of great pride.