

TALMUDIC METHODOLOGY
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Shiur #22: The Definition of *Bal Te'achar*

The Torah places a time limit on the offering of pledged *korbanot*. If a person delays too long, he violates the prohibition of "*lo ye'achar*" (he should not delay), otherwise known as *bal te'achar*. There is much debate among the *Tanna'im* regarding the duration of the *bal te'achar* violation, but it is generally marked by the passage of one or, a number of, *chagim*. In this *shiur*, we will explore the nature of the prohibition.

The *halakha* follows the dominant position of the Rabbanan that a prohibited delay has occurred only after three *regalim* have elapsed from the time of the vow. Nevertheless, there are various scenarios in which there is an immediate violation of *bal te'achar*. For example, if a *nazir* declares his intent to adopt *nezirut* prior to his death, he must promptly assume that responsibility, since he may die at any moment. Would he violate *bal te'achar* even for a slight delay, or only after three *regalim* have elapsed? Tosafot in *Nedarim* claim that even slight delays would violate *bal te'achar*, even though the general waiting period has not yet elapsed.

A similar question emerges about *bal te'achar* for delaying a *korban Pesach*. Based on a gemara in *Rosh Hashana* (5a), Rashi and Tosafot claim that even a slight delay in offering the *korban Pesach* yield a *bal te'achar* violation. Yet a third scenario of immediate *bal te'acher* emerges from the Ran (*Nedarim* 4a), who claims that if a person explicitly stated that "he obligates himself to immediate *korban* delivery," he would violate *bal te'achar* immediately.

The possibility of immediate *bal te'achar* demands an inquiry regarding the logic of this prohibition. *Bal te'achar* appears to be a prohibition surrounding the **delay** of *korban* or *korban*-related obligations. Typically, the delay is measured by the passage of *regalim*; instead of employing "time" to measure a delay, Halakha employs "opportunity" as a yardstick for significant

and unacceptable delay. Having enjoyed three “opportunities” to deliver a *korban*, a non-compliant person has dramatically delayed, and therefore violates, *bal te'achar*. If the length of delay is set at three *regalim*, however, it should not be shrunk in the above mentioned cases.

Alternatively, the three *regalim* may not reflect the **length** of a serious delay. Perhaps obligations and donations cannot be delayed **at all** past their due. Indeed, *mitzvot*, in general, must be performed as soon as possible, and *korbanot* may not be any different. However, until three *regalim* have passed, the *korban*-related obligation is not yet due for "payment;" no delay has occurred. Since the “debt” is not yet due, once three *regalim* elapse, the payment of the *korban* is due and even slight delay violates *bal te'achar*. If it is a delay “past-due” that violates *bat te'achar*, it is conceivable that *bal te'achar* could begin immediately if the original vow was supposed to be fulfilled immediately. Some debts are immediately ‘due’ and any delay would constitute *bal te'acher*.

An interesting position of Rava may illuminate the nature of the general three-*regel* duration of *bal te'achar*. The *gemara* in *Rosh Hashana* (5b) cites Rava, who appears to claim that once three *regalim* have elapsed, *bal te'achar* is violated on a daily basis. Although the onset of *bal te'achar* is stalled for three *regalim*, once initiated, its violation recurs **daily**. If the period of three *regalim* measures significant delay, once this duration has passed, daily repetitive violations should not occur. The minimum time that constitutes delay is three *regalim*; any additional time is merely an **extension** of that original *shiur* of delay. Just as an added quantity of *kezayit* does not constitute a separate *shiur* of eating, an extra day should not represent an additional delay. However, if the three *regel* period represents the maturation of the obligation, **any** unit of delay afterwards constitutes a violation. The only reason that no violation occurs prior to three *regalim* is that the *korban* payment is not yet obligatory. Once the obligatory nature of the *korban* evolves, every unit of delay may constitute an independent violation.

Another interesting question surrounds the question of *bal te'achar* violation for women. The *gemara* hinges this question on whether women are obligated to perform the pilgrimage to Yerushalayim. If they are obligated, their delay constitutes *bal te'achar*; if they are exempt, their delay does not violate *bal te'achar*. The Ramban evidently disagrees with this association, since he exempts women from pilgrimages but obligates them for *bal te'achar*.

Logically, if the three-*regel* duration represents missed opportunity and a derelict delay, only people who possess that opportunity are defined as "delayers." If women are exempt from *aliya la-regel*, they cannot be considered "delayers." By contrast, if the period of three *regalim* represents the maturation of a *korban* obligation, essentially the period is a time lapse, measured in time passage and *regel* passage. Since women experience time and *regel* passage similar to men, their suitability for *bal te'achar* should apply independent of their **actual** obligation to perform a pilgrimage to Yerushalayim.

A radical option emerges from the *gemara* in *Rosh Hashana* (6b), which may corroborate the notion that three *regalim* entails the maturation of an obligation. The *gemara* cites a *beraita* that describes *bal te'achar* in a situation in which an entire year has elapsed but three *regalim* have not yet passed. This is possible if a year has been extended as a leap year, such that 365 days have passed since the vow, but three *regalim* have not occurred. By pinning *bal te'achar* to **time** – independent of **opportunity** – this position defines the standard three-*regel* duration as the "maturation time" of an obligation. A debt can mature based on passage of pure time or time measured through events. Had the three *regel* waiting period been purely a measure of **delay**, it would be based on opportunity and would be measured in the passage of *regalim*, not the passage of pure time.

It is possible that the question of these two different models for the three-*regel* duration influenced several interesting positions among the *Tanna'im*. Perhaps the most striking position is adopted by R. Shimon and demands the passage of three *regalim* in sequence, commencing with Pesach and concluding with Sukkot. Accordingly, if a person pledged a *korban* prior to Shavuot, he would only violate *bal te'achar* after five holidays have elapsed (Shavuot and Sukkot followed by a full cycle of *regalim*). This position is less likely if the three *regalim* represent time passage, as the passing of time measured by the passing of three *regalim* is identical whether the *regalim* elapse in sequence or non-sequentially. If, however, the *korban* obligation transforms into a mandatory debt after three *regalim*, perhaps only a sequence of three *regalim* from the start of the cycle (Pesach) to its conclusion (Sukkot) triggers the maturation of the debt.

By contrast, R. Meir claims that even the passage of **one** *regel* launches a *bal te'achar* violation. Presumably, he also viewed the *regalim* as a trigger to render the obligation mandatory; even one *regel* can trigger this maturation. Had *regalim* represented duration of **delay**, it would be unlikely that the passage of one solitary *regel* would constitute delay regardless of when the *korban* was donated in relation to the *regel*. If the *korban* were pledged a week before the *regel*, it is difficult to envision the passage of one *regel* entailing delay in the same manner that it would if the *korban* were pledged months before the *regel*.

The Rabbanan maintain that the passage of three *regalim* constitutes a delay. As such, the starting point (moment of *korban* pledge) and its distance from the *regel* are less significant. In a broader sense, significant time heightened by the passage of three *regalim* has elapsed and serious delay has occurred. By shrinking the *shiur* to one *regel* regardless of the moment of donation, R. Meir may have been shifting the *halakha* from a measurement of delay to a transformation of the *korban* debt into a mature and obligatory nature.

Perhaps this logic influenced an important *machloket* between the Ramban and Rambam. In his description of *bal te'achar* (*lo ta'aseh* 157), the Rambam claims that after to three *regalim*, one violates *bal te'achar* **and** *bal yachel* (the prohibition not to violate a *neder*; see [here](#) for a description of this prohibition). Although he has not disqualified future opportunities to deliver this *korban*, nevertheless, *bal yachel* – which typically applies after irreversible violation of a *neder* – applies. The Ramban disagrees (in his comments to *mitzvat asej* 94), and his logic, which disassociates *bal te'achar* from *bal yachel*, is very compelling. Just because a significant delay has occurred does not mean that the *neder* has been violated; *bal yachel* should not apply.

Evidently, the Rambam maintains that the passage of three *regalim* entails the maturation of the *korban* debt. Even minimal delays past the maturation entails *bal te'achar*. If indeed the passage of three *regalim* represents maturation of the debt, it is conceivable that *bal yachel* has also been violated. Even though the original *korban* can still be offered, once the debt becomes due and it has not been “properly” offered and *bal yachel* has occurred.