



שבת קודש פרשת חיי שרה | מסכת כתובות דף ד'

INSIGHTS FROM  
OUR CHABUROS

The nazir who is in violation of  
בל תאחר

אמר רב אשי הואיל וכן נזיר שטמא עצמו במזיד עובר משום בל תאחר דנזירות טהרה

Rashba (to 3b) writes that if a nazir who is in the middle of fulfilling his period of nezirus defiles himself intentionally, he is immediately in violation of not conducting his nezirus in a timely manner. His becoming ritually impure interrupts his ongoing observance of the nazir period. It must be restarted oncwwe he becomes pure, and its completion and its accompanying offerings will obviously be delayed. As a result of his own negligence, his commitment to complete a period of nezirus and bring the appropriate offerings has been delayed. Rashba derives his proof from the words of Rav Ashi, when he says that the violation is due to the nazir defiling himself "intentionally- במזיד. "The reason for the infraction is not that he delayed in purifying himself, but rather in the act of exposing himself to ritual impurity, even if he is now diligent about rectifying the situation.

Rashba then wonders why, in fact, the nazir is in violation of בל תאחר immediately. Why should it be less than the normal time framework of three festivals? This question of the Rashba is consistent with his understanding that all cases of בל תאחר are learned from the verse found by ותקרב, where the time interval of three festivals is the threshold before the sin is in effect. Rosh is of the opinion that the nazir who defiles himself is only in violation of תאחר בל if he remains in his state of impurity for three festivals. He understands the words of Rav Ashi who said that the nazir defiled himself "intentionally" to refer to his willingness to remain impure, and not to the initial contamination.

Minchas Chinuch (Mitzvah #374) asks why Rav Ashi uses the example of "defiling himself" as the manner by which the nazir interrupted his process. Why doesn't Rav Ashi say that he cut his hair, which also interrupts the nazir process and causes it to be delayed for thirty days? When a nazir cuts his hair, he must recount a minimum of a thirty-day period during which he grows his hair again. Tosafos (Nazir 39a) holds that this period coincides with the new nazir observance, while Rambam (Nezirus 6:1) holds that this thirtyday period must take place before the recounting of the new nazir observance. Either way, the new nezirus may commence soon, and the law of בל תאחר is not affected.

POINT TO PONDER

Rav ישא says that according to what was just said נזיר who made himself טמא will be בל תאחר if he doesn't make himself טהור. Since the source of the איסור is the delay in fulfilling the תנזירות why did he choose a case whereby he intentionally became טמא? Any נזיר who is טמא even if it happened באונס should have the same obligations to start with נזירות טהרה right away?

Response to last week's Point to Ponder:

The גמרא says that if someone says that he will not leave this world without first being a נזיר he is בל תאחר and the גמרא compares it to a wife of a כהן who can't eat תרומה if her husband gave her a גט to be valid one hour before the husband dies. If we are concerned about the כהן dying, how can the wife of a כהן ever eat תרומה? For example, if her husband is away overseas, do we have to worry that maybe he died there? Second, this is not a דאורייתא so how can we compare it to בל תאחר of נזיר which is דאורייתא? The גמרא in ע"ב כח ע"ב makes a distinction between שמא ימות and שמא מת while we are not concerned that maybe her husband died which is why the wife of a כהן can eat תרומה even if the husband is not with here at that time, we are concerned that he "will" die in the future. (See י"ד רש"י who explains that we have a חזקה that he is alive, but there's no חזקה about the future). In our גמרא the concern is about the future. Regarding the comparison to נזיר some say (רשב"א) that our גמרא is also מדרבנן others (See קרן אורה) explain that we are only showing the concept of maybe he will die, but not equating the two completely.

STORIES  
OF THE DAF

The ousted  
Shochet

משום דלא אית ליה קיצותא

The community of Kozin in Poland once noticed that it was very difficult to find a shochet who did not rely on various leniencies of which their Rabbis didn't approve. For example, although every shochet was proficient in hilchos shechitah, this was likely to be the extent of his Torah scholarship. Of course, such a shochet would not be able to decide any questions regarding what is a treifah, other questions of kashrus, or anything else for that matter!

In order to circumvent such unpleasantness, every shochet was required to sign a document that verified his acceptance of a cherem if certain guidelines that circumvented any possible problem were violated. The shochet of Kozin violated the guidelines on two counts and was caught. The people of the town were incensed. Never had such a thing happened! They decided to band together and make a public oath to remove this man from his position. Later, they formally relieved him of his post.

When the shochet showed great remorse, they regretted their rash act and wished to reinstate him since he seemed so sincere. After all, he really hadn't done anything so terrible, since no halachah had been intentionally violated. They asked their Rabbi, but he didn't see how the man could be reinstated.

He said, "After all, the Shulchan Aruch decides clearly in Yoreh De'ah 219:3 that if a person prohibits something with a neder and does not specify a time limit, his vow takes effect immediately and stays in effect even after thirty days. This is unlike a vow of nezirus which only takes effect for thirty days, as we see from Nedarim 4a. The Ran in Nedarim 4b explains the reason for the distinction between nedarim and nezirus. A neder is likened to hekdes which takes effect permanently. The Taz, zt"l, clearly states that the same law holds true for an oath without a time limit."

As a last resort, the Rabbi referred the matter to the Tiferes Tzvi, zt"l. He answered promptly, "They can definitely reinstate the shochet. They only swore to remove him from his position, not to refrain from reinstating him!"

## HALACHA HIGHLIGHT

### A mistaken commitment to be a nazir Shimshon

אבל גבי נזירות דאית ליה קיצותא דסתם נזירות שלשים יום אימא לא קא משמע לן

*But regarding nezirus that has a time limit, for an undefined nezirus it is for thirty days, I would say that [the vow of nezirus may] not [be revoked]. [The verse therefore] teaches [it is possible to revoke a vow of nezirus].*

**T**he Gemara Nazir (14a) explains that there is a variety of nezirus that is different from the standard nezirus. Normally a person who vowed to be a nazir has the option to have his nezirus annulled by approaching a Torah scholar to find an opening of regret which allows the vow to be annulled. Nezirus Shimshon is a unique variety of nezirus in that it cannot be annulled. Therefore, a person who vows to become a nazir Shimshon remains under the restrictions of a nazir Shimshon for the remainder of his life without an option to have the vow annulled since Shimshon remained in his status of a nazir for his entire life.

There was once a young man who, out of ignorance, became involved in a Messianic group. He was very passionate about this group and when he was introduced to the concept of nezirus Shimshon he made a sincere vow to observe the restrictions of a nazir Shimshon. As he continued to grow and develop in his Yiddishkeit he became aware of the severity of the vow that he made and inquired whether it is possible to annul his vow to release him from the restrictions of nezirus Shimshon.

The Minchas Yitzchok<sup>1</sup> responded that in this exceptional case one could be lenient and offers three explanations for this conclusion. There are Poskim who maintain that since the person did not understand the implications of his vow at the time that he made the vow it is not binding. A second rationale for leniency is based on the position that holds that it is permitted to release a person from nezirus Shimshon if it is needed to perform a mitzvah. Therefore, since in this case the questioner's children are experiencing difficulty getting into a good school due to their father's appearance, it is considered a case of a mitzvah, and even if the original vow was binding it could be annulled. The last rationale for leniency suggested by Minchas Yitzchok is that it appears from the historical account that the questioner was confused and lacking da'as at the time he made the vow. Thus the vow could be dismissed because he did not have the necessary presence of mind to make a binding vow.

1. שו"ת מנחת יצחק ח"ח סי' פ'

## MUSSAR FROM THE DAF

### Taking responsibility

רב אחא בר יעקב אמר: כגון דנדר והוא בבית הקברות

**T**he Gemara records a dispute between Rabbi Yochanan and Reish Lakish with regard to whether a person's neder of Nezirus takes effect when he makes the neder while standing in a cemetery. The Gemara quotes Mar bar Rav Ashi who concludes that Rabbi Yochanan and Reish Lakish maintain that the Nezirus takes effect, and they only disagree about whether or not the person receives מלקות for becoming טמא.

Why should a person who becomes a Nazir while he stands in a cemetery be punished with מלקות for becoming טמא? Although he transgresses the לא תעשה which prohibits a נזיר from becoming טמא, he transgresses only passively, with no action. Accordingly, his transgression constitutes a לאו שאין בו מעשה which generally does not incur מלקות.

Let's look at a יסוד from R' Yisroel Salanter in the 8th Letter of Ohr Yisroel. R' Yisroel asks why the Gemara (Succah Daf 53) says that when a rasha gets to the next world, his Yetzer Hara is the size of a hairsbreadth? He explains that generally a person is punished on an עבירה more if they have a smaller yetzer hara for that action and less if they have a greater yetzer hara. Reb Yisroel continues that even though the rasha has done עבירות and they have become so habitual that he has a large yetzer to continue doing that Hashem punishes him each time as if he had a small yetzer for that עבירה (the same yetzer he had the first time he did the עבירה because he was the one who put himself in this situation).

Perhaps we can use R' Yisroel's concept of connecting one's previous action to one's current state to answer our question in our sugya. Even though the nazir didn't do an action after he became a nazir, still he did an action right before by putting himself into the situation. (עי' שאגת אריה סי' ל"ב) where he also connects the Nazir's previous action of entering the Bais Hakvoros as the "action" necessary for (מלקות).

Sometimes in life, a person finds themselves in situations in which they complain about their current state or find excuses why they can't do certain mitzvos. However, one has to take responsibility and recognize the previous actions which led one to the current situation that they are now in.

## PARSHA CONNECTION

**In this week's daf** the גמרא discusses somebody making a vow to be a נזיר while standing in a בית הקברות. The concept of a cemetery or בית הקברות is first found in this week's Parsha. When אברהם inquired about purchasing the land as a burial place for שרה, he refers to it as אחוזת קבר which עפרון calls a בית הקברות. Why did אברהם speak with the בני חת rather than speaking directly with him? The Possuk (פסוק ד') says: "גר ותושב אנכי עמכם תנו לי אחזת-קבר עמכם ואקברה מתי מלפני". Why does אברהם use two different terms, "גר ותושב"? The אלשיך הקדוש quotes the רמב"ן who writes that the custom in those days was to only allow residents a "family plot" which אברהם calls קבר אחוזת, while non residents were buried in a separate general cemetery. אברהם figured that if he will approach עפרון directly and ask him to buy the field and the מחצית המכפלה, he would have to refuse because of the restrictions in place regarding non residents. He therefore approached the leaders (regulators), first knowing that if they approved, עפרון will not have a chance to refuse him based on the regulations. This is why he said "גר ותושב" meaning you can look at me as a non resident, but I would like to become a resident and have the privilege to establish a family. בית הקברות. When they answered (פסוק ו') they said: מקבר מתך אתה בתוכנו במבחר קברינו קבר את-מתך איש ממנו את-קברו לאיכלה ממך שבענו. What did they mean? Based on the above, the אלשיך explains, that they meant you are a resident residing "within us".

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Yitzchok Gutterman, please visit our website, [dafaweek.org](http://dafaweek.org), or download the app

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