

**שבת קודש סוכות | מסכת נזיר דף י'**

**INSIGHTS FROM OUR CHABUROS**

**Explaining the dispute between Beis Hillel and Beis Shamai leniently**

לא כגון דאמר הריני נזיר מבשרה אם לא עמדה, ועמדה מאליה

Tosafos explains that Beis Hillel and Beis Shamai argue about two details of this case. One aspect is the statement the person made about the animal getting up from its crouched position. Beis Shamai is of the opinion that the speaker intended that the animal not rise up on its own, but rather due to the efforts of the person who is speaking. Accordingly, if the animal gets up on its own, the nezirus takes place, as the condition of the animal's being lifted was not fulfilled. Beis Hillel holds that the animal's rising on its own also satisfies the condition set forth by the speaker. The second issue about which they argue is when the person states that he will be a nazir in that he will abstain from the meat of the animal. Beis Shamai holds that he is a nazir, and Beis Hillel holds that he is not a nazir. It is evident that the disagreement in the Mishnah is in both of these areas, as we will note. If the argument was only in regard to the first issue, which is how to understand the intent of the person in whether the animal's rising will be with assistance or even by itself, the case would have simply been where the person said, "I will be a nazir from wine if the animal does or does not rise." On the other hand, if the dispute was only in regard to whether the vow to be a nazir can be understood when the speaker is abstaining from meat, the entire comment about the animal rising up from crouching would be unnecessary. It must be, therefore, that the dispute in the Mishnah covers two issues. Tosafos suggests that perhaps we might say that the dispute between Beis Hillel and Beis Shamai is only in regard to acceptance of nezirus when mentioning meat, but the Mishnah adds the statement of having the animal rise from its crouching position as a חידוש for Beis Shamai. The point would be that the speaker is a nazir notwithstanding the stipulation of the animal's getting up. Tosafos answers that we do not rule according to Beis Shamai, so we cannot say that the חידוש of the Mishnah was designed to show the extent to which the opinion of Beis Shamai is applied.

**STORIES OF THE DAF**

**Posting bail**

זו פרה אמרה

Once, there was pretty conclusive evidence that a member of a certain community had perpetrated a serious offense. In order to prevent the man from running away, the community leaders wished to place him in jail. But when the man's friend came forward and offered to write a binding document subjecting himself to a fine of a thousand gold pieces if the suspect ran away, the leaders were mollified. Halachically, this is not so simple, however, because we hold that generally even a kinyan of אֶתְכַמְסָא is not binding. To put it simply, we all know that the man who agrees to pay a fine doesn't mean to pay. He is sure his friend will not jump bail. If the man does jump bail, why should the bail bond have to be paid? The Rosh's son asked this very question of his illustrious father. The Rosh, zt"l, replied, "Since he obligated himself to pay the kahal which is an aspect of hekdes, an asmachta is not relevant, as Rabeinu Meir of Rottenberg, zt"l, writes. A proof for this is in Nazir 10. There, the Gemara discusses a case of a cow that was crouching in front of someone. The man said, "I am a nazir from this cow's flesh if the cow will not stand," and it stood on its own. Beis Shamai says he is a nazir since he meant that his vow should take effect unless he made the cow stand, not if it stood on its own. Although Beis Hillel says that he is not a nazir in that case, this is only because he meant to vow only if the cow didn't get up regardless of what caused it to rise. They agree he is a nazir if his intent was like Beis Shamai indicated. In nezirus, like in hekdes, an אֶתְכַמְסָא does not release a person from his obligation. A second question was then asked of the Rosh. "Who must pay the sofer's fee, then?" The Rosh replied, "The man who has avoided incarceration must pay the scribe's fee. Let him pay to save his own skin!"

**YOM TOV CONNECTION**

In this week's דף the משנה discusses someone who says הזוהר הריני נזיר meaning if this door opens. On סוכות we use our door to exit our comfortable home and enter the סוכה. The טור famously asks why do we celebrate סוכות this time of year, rather than in the Spring which is when מצרים left בני ישראל and built their סוכות. The טור answers that if we were to celebrate it in the spring it would not be obvious that it's a מצוה because in the spring people usually spend time outdoors. However this time of year, everyone is indoors, so leaving our house to go into the סוכה shows that it's because of the מצוה. Perhaps we can offer another explanation based on the יום כיפור. פרשת אמור in אלשיך הקדוש writes that specifically after כיפור we want to show what is the עיקר for us in this world. By leaving our homes we acknowledge that our time in this world is temporary, just like the סוכה and our real home is the the world to come

אלא אמר רבא כגון שהיתה פרה רבוצה לפניו  
ואמר הרי עלי קרבן

The Mishnah earlier (3b) ruled that when a person takes a vow of nezirus and only mentions one of the nazir restrictions it is considered a full-fledged vow of nezirus and he becomes bound by all the restrictions of a nazir. This is in contrast with the position of R' Shimon who maintains that one who takes a vow of nezirus does not become bound by the nazir restrictions unless he mentions all the prohibitions. Rambam<sup>1</sup> rules in accordance with the opinion of Rabanan. Some authorities<sup>2</sup> suggest that the basis of the dispute is whether all the restrictions are components of one prohibition or whether there are three separate nazir prohibitions. If the different restrictions are one prohibition then the acceptance of one of those restrictions is equivalent to accepting a term of nezirus and one becomes bound by all the restrictions. If

there are three separate prohibitions, the acceptance of one prohibition is nothing more than accepting one of the nazir restrictions and since there is no such thing as a partial nazir it is as if he did not take a vow. The same explanation could be applied to one who annuls the nazir vow but only specifies one of the prohibitions. According to Rabanan, once one annuls one of the restrictions it is considered as if the entire vow has been annulled whereas according to R' Shimon annulling one of the restrictions is not synonymous with annulling the entire nezirus.

Poskim disagree about the outcome of a declaration, "I am a nazir for the nazir korbanos – לקרבנות נזיר. Tosafos<sup>3</sup> and Rambam<sup>4</sup> seem to maintain that it is a full-fledged vow of nezirus whereas others<sup>5</sup> maintain that it does not constitute a vow of nezirus. If, however, he declared, "It is incumbent upon me a Korban of nezirus," he is not a nazir because his words only indicate that he is accepting upon himself the responsibility to pay for the korbanos of a nazir. If he worded the declaration in a way that could not be interpreted as a commitment to offer the korbanos of another, it is not clear whether the declaration would constitute a vow of nezirus<sup>6</sup>

1. במר"ם פ"א לה' תוריו ה"ט
2. חתפב רואיבה רפסל יחתפ ריז ש"ד ירה הז ריז רומג ע'
3. סות"ד י' ירה ילע
4. במר"ם היפב"מ פר ב'
5. יפ יברו ללה ירפסב
6. ע' יחתפב ריז לע במרה"ם ה"ל ס"ק ס"ט ם

## REVIEW AND REMEMBER

1. How does Rami bar Chama explain the Mishnah's case of the talking cow?
2. Why is it necessary for Beis Shammai and Beis Hillel to have their dispute in three different cases?
3. According to Rava, what is the dispute between Beis Shammai and Beis Hillel?
4. According to Beis Hillel, is a vow to be a nazir from something unrelated to nezirus valid?

## POINT TO PONDER

The גמרא says that the case in the משנה is about someone saying that he will be a נזיר if he is unable to lift the cow. Does he have to actually try to lift her, in order to fulfill the condition?

### Response to last week's Point to Ponder:

#### Question:

The גמרא says that if a person said "הרי אני נזיר מגרורות" it's a עמו נדר. Why would saying that he wants to be a נזיר from dates, be considered a פתח of the נדר?

#### Answer:

regarding a similar case writes that since he knows that a תודה can't be brought without bread, he is intentionally saying something which he knows doesn't work to show his חרטה. Similarly here since he knows that there is no נזירות from dates, he is showing that he changed his mind,