

שבת קודש סוכות | מסכת נזיר דף יא'

INSIGHTS FROM OUR CHABUROS

Associating a permitted item to one that is prohibited

בעי רבי בר חמא הרי עלי כבשר זבחי שלמים לאחר זריקת דמים, מהו?

The Gemara presents the concept of הנדר (neder) This is where a person prohibits an object upon himself. More specifically, the person identifies an item that is permitted, and he associates it with another object which is prohibited. There are two categories of prohibited items. One is an item which has become prohibited due to a declaration of a vow, where someone said, "This is prohibited." If, subsequent to this arrangement, the person says, "This permitted item should have the status of this prohibited item." In this case, the statement is valid, and the permitted item becomes prohibited. Another category of a prohibited item is one which is intrinsically prohibited due to the Torah's law, and not due to someone's having declared it as such. An example of this is blood of an animal, or a בכור offering. Associating a permitted object with an object of this kind does not result in the item's becoming prohibited. Ritva explains that something prohibited due to a person declaring it as such is איסור תפוצא, while something which is prohibited due to the Torah having declared it as such is איסור גברא. Rami bar Chama asks about a case where a person pronounced a neder and declared a loaf to be "as the flesh of a shelamim offering." The loaf is prohibited, because the meat from the offering is an example of something that is prohibited due to its owner's having declared it as such. Also, if he said, "This loaf should be like the flesh of this shelamim before the sprinkling of its blood," the loaf is prohibited. However, if the person said, "This loaf should be as the meat of a shelamim after the sprinkling of its blood," the loaf is permitted. The flesh of the offering is permitted to be eaten by its owner once the blood has been sprinkled, and the association to it at this point is an association to a permitted item. The question of the Gemara is when a person pronounces a neder while referring to meat which is in front of him, and it is from a shelamim after the sprinkling of the blood. The question is when he says, "This loaf is to me as this meat." Is the person thinking that the meat is basically a shelamim (בכור), thus prohibiting the loaf, or is he thinking about the current specific status of this piece of meat, which is now permitted. This issue is not resolved in our Gemara, and the Rishonim argue about the halacha. Rambam (Nedarim 1:15) rules that the loaf is prohibited. Kesef Mishnah explains that this is דאורייתא, where we rule strictly. Ran, however cites Rif and Ramban (see later, 13a, ("and rules that the person's words refer to the current status of the meat (בהשתא), which, after the sprinkling of the blood, is permitted.

PARSHA CONNECTION

In this week's דף השנה discusses a case of a lady who drunk too much wine and said יום טוב "הריני נזירה". Drinking wine appears to be something that we should avoid, yet on טו when we have a מצוה of שמחה we find that חז"ל define שמחה as consuming "בשר ויין". How do we separate and differentiate between drinking which is "good" versus drinking which is "bad". The פסוק קהלת which we read on טו, says: כי ינן בלב־טוב ותת לחמך ושתה בשמחה לחרם אתה בלב־טוב ינן כי says: the מדרש קהלת רבה offers several interpretations of this פסוק, one of them is that this relates to us, after ראש השנה and כיפור יום saying that we can now rejoice because our sins have been forgiven. (Which is one of the reasons cited for the יום טוב of סוכות) The אלשיך הקדוש asks what do the words "כי רצה האלהים את מעשיך" mean? Also what is "בלב טוב" adding to the "שמחה"? He explains that a person has 2 hearts, פסוק שלמה corresponds to the לב טוב while לב רע corresponds to the הרע. In the פסוק המלך is telling us to use our לב טוב, which will ensure that our drinking is לשם שמים. This is followed by the statement of "כי רצה האלהים את מעשיך" which the אלשיך explains refers to תשובה מאהבה which turns the זדונות into זכויות. This is why it says כי רצה האלהים את מעשיך because the actual deeds which were once עבירות are now זכויות and are now welcomed by מצוה. Drinking at such a time with the proper intent is indeed welcomed and a מצוה.

STORIES OF THE DAF

The broken diet

כל תנאי בני גד ובני ראובן אינו תנאי

A certain woman was once diagnosed with a serious medical problem. If she would stick to the diet prescribed by her doctor, she was assured that all would be well. If not, her condition would make her life miserable and could become fatal. Understandably, the woman was very frightened by her doctor's warning, especially since he didn't mince words. He firmly explained the entire trouble to her. However, she knew herself and feared that she would not be able to stick to her diet unswervingly. She decided that she needed a very strong motive to keep to her plan no matter what. The only thing she could think of was to make a neder as a deterrent. She made a vow that if she broke her diet she would give a thousand dollars to charity. In 1956, when this story took place, that was a huge sum, and she felt sure that this would ensure that she kept to her diet. When her husband found out he didn't know what to do. Hilchos nedarim are very complicated and whoever he spoke with was convinced that he understood the halachic ramifications of the neder. The confusing part is that one Rabbi claimed the neder took effect immediately whether she broke her diet or not, just like any pledge to charity. Another stated that the neder didn't take effect even if she overate, since she had not made a תנאי כפול, a doubled condition stating that if she will keep her diet she won't have to pay the money and if she doesn't she will. Any stipulation not doubled like that of Bnei Gad and Bnei Reuven is not a stipulation. One Rav placed this question before Rav Moshe Feinstein, zt"l. He answered, "The vow certainly takes effect since we don't hold that the laws of stipulations apply to nedarim, shevuos, hekdesch, or charity. See Yoreh De'ah 258:10. But she only pays if she overeats to an extent that people would call it breaking her diet—not just any tiny infraction. And she need not pay a dime if she doesn't break her diet." The Gadol concluded, "Of course, if her husband had annulled her vow on the day he heard it, it would have been null and void even if the wife has her own money to pay the vow in the event of overeating..."

אלא חולין ליהוי לא דמשמע חולין לא דאמר והא
קרבן

Tur1 writes that Maharam of Rottenburg was particular to recite the words לחיים, recited between Rosh Hashanah and Yom Kippur, with a sheva under the lamed rather than a patach under the lamed. His reasoning was that the word לחיים could be understood to mean לא לחיים —not life, similar to the way our Gemara understands the word לחולין mean לא חולין —not chullin. Mishnah Berurah2 also writes that between Rosh Hashanah and Yom Kippur, which are days of judgment, one should be more particular with his words and recite the word לחיים with a sheva rather than a

patach so that it should not sound as if he is saying לא לחיים —not life. During the rest of the year, however, we are not particular about this issue since it is not a period of judgment, Therefore we say מלכינו לחיים Stand us up, our King, for life. Sefer Avnei Shoham3 takes note of the fact that the Gemara refers to three books that are opened on Rosh Hashanah— one for the righteous, one for the wicked and one for the intermediate people. One of the piyutim, however, mentions שלשה ספרים מנוקדים —three “dotted” books and it is not clear to what the poet is referring. Avnei Shoham suggests that in the book of the righteous the word לחיים is written with a sheva, in the book of the wicked it is written לחיים with a patach that means “not life,” and the intermediate people are written without any vowels and they are inserted on Yom Kippur. Therefore, the reference in the piyut to “dotted—מנוקדים” books is to the vowels –נקודות—that help us pronounce words. He takes this idea one step further to explain the prayer of לקא דמאיר ענינא that people recite during a time of distress. In our Gemara R’ Meir disagrees with the Tanna who is concerned that the word לחולין could be interpreted negatively, and he maintains that we do not draw negative inferences from positive statements. Consequently, he interprets everything positively, so we turn to R’ Meir for assistance to transform our current difficulty into something positive.

1. טור או"ח סי' תקפ"ב
2. מ"ב שם סי"ק ט"ז

REVIEW AND REMEMBER

1. Explain the principle הן שומע אתה לאו מכלל .
2. If one makes a vow that an item should be “like Yerushalayim”, what is the result?
3. What is the meaning of the phrase “לחולין”?
4. According to the Gemara’s conclusion, what is Rami bar Chama’s inquiry?

POINT TO PONDER

The משנה says that someone who says that he knows that there is such a thing as נזיר but he didn’t know that a נזיר can’t drink wine, then according to רבי שמעון he is not a נזיר. How about someone who doesn’t know ANY of the הלכות of a נזיר? Would everyone agree that he is not a נזיר?

Response to last week’s Point to Ponder:

Question:

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?

Answer:

The משנה discusses the question of us not knowing if he would have been able to pick up the הנהב, in case the cow got up without anyone’s help. He suggests that when the person said that he would be a נזיר he included this possible outcome in his mind, and obviously decided to be a נזיר even in such an event.