

This month's Daf Digest is dedicated in memory of  
Rivka Yenta bas Asher Anshel & Yosef ben Chaim haCohen Weiss on 8 and 14th of Elul  
By Mr. and Mrs. Manny Weiss

## OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah rules that one who makes his declaration of nezirus from one cup of wine is obligated to observe a full term of nezirus. A related incident is recorded.

### 2) Clarifying the Mishnah

It is noted that the incident in the Mishnah does not follow the halacha of the Mishnah.

The Gemara answers that the Mishnah is missing a section and presents the missing section.

The rationale behind this added ruling is explained.

3) **MISHNAH:** The Mishnah presents three cases in which a person tries to limit the restrictions of his nezirus. In the first case the Mishnah rules that he is a nazir and in the next two cases there is a dispute between Tanna Kamma and R' Shimon whether he becomes a nazir.

### 4) Clarifying R' Shimon's position

The Gemara wonders why R' Shimon doesn't disagree in the Mishnah's first case.

R' Yehoshua ben Levi maintains that he does, whereas Ravina explains why R' Shimon agrees with Tanna Kamma in the first case.

R' Yehoshua ben Levi defends his position.

A Baraisa that supports Ravina's understanding is cited.

### 5) Clarifying the last dispute in the Mishnah

It is noted that the positions taken by Tanna Kamma and R' Shimon in the Mishnah's last case are inconsistent with their positions in the previous case.

The Gemara suggests switching the names in the Mishnah's last case.

Alternatively, it is explained why the last two cases of the

*(Overview...Continued on page 2)*

## REVIEW and Remember

1. When is a declaration of nezirus understood to be a mere vow against drinking wine?  
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2. What is the dispute between R' Yehoshua ben Levi and Ravina concerning R' Shimon's position?  
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3. What are נדרי אונסין?
4. Does a response of "And I" refer to the entire declaration or only part of the declaration?  
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## Distinctive INSIGHT

*Does Rabbi Shimon agree with the halacha in the Mishnah?*  
מזגו לו את הכוס ואמר הריני נזיר ממנו הרי זה נזיר

The Mishnah discusses a case where a person is handed a cup of wine, whereupon he announces that he will be a nazir from it. The halacha is that he is a full-fledged nazir, and he must observe a nezirus, including abstaining from all wine.

Tosafos Yom Tov explains that the lesson of the Mishnah is that although he stated his intentions to abstain from this one cup, we apply the rule found in the Mishnah earlier (3b), where a person announced that he would be a nazir only from grape seeds or peels. There, the halacha is that he must conduct himself as a full nazir, with all the appropriate restrictions. The reason this halacha is repeated here, although it was taught in that earlier Mishnah, is that our Mishnah is in the process of presenting the next case, where a cup of wine is given to a person who is drunk. There, if the person states that he will be a nazir from the cup given to him, we do not apply all laws of nezirus to him, and he is only prohibited from drinking only that cup.

According to this approach, we will have to say that Rabbi Shimon, who disagrees with the law in the earlier Mishnah, would disagree with our Mishnah as well. There, Rabbi Shimon holds that when a person announces that he will be a nazir only from grape seeds, he is not a nazir. Similarly, in our Mishnah where the person declares that he will abstain from this one cup of wine, Rabbi Shimon would say that he is not a nazir, until he states that he will be a full nazir.

The Rosh, however, learns that in our Mishnah, even Rabbi Shimon would agree that the person is a nazir. When the person is given a cup of wine, and he says, "I will be a nazir from it," this is no different than a case of נדות, where a fragment of a statement is interpreted to be enough to indicate a full intention. This is similar to a case where a nazir is passing by, and someone says, "I will be," which is ruled to be a declaration of nazir (Gemara 2b). Rabbi Shimon considers it invalid when we have a statement of nezirus where the person explicitly accepted to be a nazir from one item, but he recognizes the validity of a partial statement of full nezirus, which is a דן. ■

Today's Daf Digest is dedicated  
לע"נ חנה בת יהודה  
from the Axselrud family

# HALACHAH Highlight

## The nazir declaration taken while drunk

ואם שיכור הוא ואמר הריני נזיר ממנו אינו נזיר

And if he was drunk and declared that he is a nazir from it he is not a nazir.

Rambam<sup>1</sup> addresses two different categories of people who take vows using nazir terminology who do not become nazir. In one halacha he writes that if a person who was depressed, angry or mourning was offered a cup of wine and he refused by declaring that he is a nazir from that cup of wine he is not a nazir; rather he is merely prohibited to drink that one cup of wine. In a second halacha Rambam rules, based on our Gemara, that if a drunk was offered a cup of wine and he refused by declaring that he is a nazir from that cup of wine he is not a nazir; rather he is merely prohibited from drinking that cup of wine. The underlying principle for these two cases is that when the person applying the pressure to drink has a specific goal in mind (e.g. to alleviate a person's suffering, to uplift their spirit, etc.) and the vow is taken to relieve that pressure, it is assumed that the vower only intended to prohibit that cup of wine rather than take a vow of nezirus. If, however, there was no specific reason to apply pressure on his friend to drink the cup of wine and he refused by taking a vow that includes nezirus language, he is taken literally and becomes a nazir with all of the related restrictions.

The Gemara Eiruvim (64a) presents different categories of people who are drunk and our Gemara does not make it clear to what type of drunk the Gemara refers, those who are on the higher end of the scale or those who are on the lower end of the scale<sup>2</sup>. Rashash<sup>3</sup> suggests that the Gemara may not even

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Mishnah are different and consequently, produce opposite outcomes.

A third resolution is suggested that relates the dispute between Tanna Kamma and R' Shimon to a dispute between Shmuel and R' Assi about unavoidable vows.

The dispute regarding unavoidable vows is recorded and the Gemara explains how it parallels the dispute between Tanna Kamma and R' Shimon.

**6) MISHNAH:** The Mishnah discusses the case of two people who commit to becoming nezirim as well as to provide the korbanos of other nezirim.

### 7) "And I"

The Gemara inquires what the halacha would be had the second fellow in the Mishnah said "And I" rather than "And I, and it is incumbent upon me to shave the head of a nazir." Does "And I" refer to the entire declaration of the first fellow or only part of what he said and if it refers to only part which part is included?

The Gemara attempts to demonstrate that "And I" would refer to only the first half of the declaration.

R' Huna the son of R' Yehoshua challenges this proof by offering an alternative explanation to the Mishnah. He proceeds to cite proof that his explanation is more reasonable.

Rava defends the original proof. ■

refer to one who was presently drinking wine and became inebriated; rather it refers to a person who generally has a drinking problem. If such a person is offered wine and he refuses by taking a vow of nezirus from that cup of wine he does not become a nazir. ■

1. רמב"ם פ"א מהל' נזירות הל' י"א-י"ב

2. ע' פתחי נזיר פ"א ס"ק פ"ה

3. רש"ש יא ■

# STORIES Off the Daf

## The clever paupers

אם היו פקחים

Once there were two friends who were experiencing great troubles. They decided that if they pulled through their hardships, they would donate a huge sum to tzedakah to show their gratitude to Hashem. Since the two were wealthy, this didn't seem to be unrealistic in the slightest. In a very ironic twist, the difficulty was ameliorated but they both became paupers. They wanted desperately to fulfill

fill their vow, but couldn't.

When the two went to a local Rav to annul their vow, they met an unpleasant surprise. After he heard their story the Rav said, "I am afraid that it's not so simple. It is very difficult to annul a vow made under duress. I suggest we place this question before the great Ben Ish Chai, zt"l. If anyone can find a way out of your difficulty, he will."

When consulted, the Ben Ish Chai offered a very brilliant solution. "Since the two are paupers, what they must do is give the sum to each other. One should borrow the necessary money and give it

to his friend to fulfill his vow. The friend should then return the sum to fulfill his vow. The borrowed money should be returned and both will have fulfilled their vow. We can learn this from the Gemara in Nazir 11. There we find that if two people became nezirim and obligated themselves to bring sacrifices for another nazir, if they are clever each brings for the other. Just as in their case, if they are smart they pay for their respective friend's sacrifices instead of their own, each of these two paupers may fulfill his debt with his friend's donation!" ■

