

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 (cont.):** The Mishnah continues to discuss different possible outcomes of a person who makes a vow of nezirus conditional upon having a son.

2) Clarifying the Mishnah

The Gemara identifies the novelty of the Mishnah's first ruling.

The novelty of the first ruling of the Mishnah's second case ("I will be a nazir when I have a son") is explained.

The Gemara identifies the author of the Mishnah's second ruling of the Mishnah's second case.

3) Miscarrying and giving birth on the same day

R' Abba asked R' Huna about the halacha of a person who vowed to become a nazir when he has a son and his wife (who was carrying twins) miscarried and then had a viable son on that same day.

The Gemara clarifies that the question is not relevant for R' Shimon who maintains that uncertainties regarding nezirus are decided stringently but it is relevant for R' Yehudah who maintains that uncertainties regarding nezirus are decided leniently.

The question is left unresolved.

4) Latching onto another's declaration

Ben Rechumi asked Abaye about the meaning of a declaration, "And it is upon me" said upon hearing a friend say that he will be a nazir when he has a son. Is the second fellow's declaration dependant upon the birth of a son to the first fellow or is it dependant upon the birth of his own son?

This inquiry leads to additional inquiries that are left unresolved.

5) **MISHNAH:** The Mishnah discusses different cases when commitments of nezirus overlap one another.

6) Overlapping nezirus

Rava inquires about the halacha of a person who vowed to be a nazir after twenty days and then vowed to be a nazir for one-hundred days effective immediately.

The Gemara wonders why Rava formulated his inquiry with one of the periods of nezirus being for one hundred days.

The Gemara answers that he was in fact asking multiple questions that the Gemara will proceed to explain. ■

Distinctive INSIGHT

Observing a thirty-day and one-hundred-day nezirus

בעי רבא הריני נזיר לאחר עשרים יום, ומעכשיו מאה יום מהו? כיון דהלן מאה בעשרין לא שלמין לא חיילין

Tosafos explains one side of the inquiry of Rava. The case is where a person declared that he would observe a regular term as a nazir of thirty days, but he stipulated that the term would not begin for another twenty days. The person then announced that he would immediately commence a period of nezirus for one hundred days. The question is, though, when should the period of one hundred days actually begin? If this term would start immediately, it would have to be interrupted before being completed, as the person had already "reserved" a period of thirty days to begin twenty days from now. We would not assume that this person wants to start with the first twenty of the hundred days, then stop while the thirty-day nezirus is observed, and then finish the remaining eighty days after the thirty-day term is finished. Rather, because he cannot finish the hundred days in the first twenty days, his intent is that the first twenty days not be observed as nezirus at all, then the thirty-day period will take place, after which he can shave and bring

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REVIEW and Remember

1. What is the novelty of the Mishnah's first ruling?
2. What is the dispute between R' Shimon and R' Yehudah concerning uncertainties regarding nezirus?
3. When does a nazir put aside his own nezirus for his son's nezirus?
4. What is the essence of Rava's inquiry?

Today's Daf Digest is dedicated

In loving memory of
 אטקא בת ר' חיים פייוויל
 By her son Max Witriol

HALACHAH Highlight

Fathers and sons

הפילה אשתו אינו נזיר ר"ש אומר יאמר וכו'

If his wife miscarried he is not a nazir. R' Shimon says that he should make the following stipulation etc.

The Mishnah addresses the case of a person who declared, "I will be a nazir when I have a son," and his wife subsequently miscarried. According to Tanna Kamma he is not a nazir since we do not know whether the fetus was viable and we hold **ספק נזירות להקל**—matters of doubt pertaining to nezirus are treated leniently. R' Shimon holds **ספק נזירות לחומרא**—matters of doubt pertaining to nezirus are treated stringently, therefore, he must make the following stipulation: If the fetus was viable the nezirus he will observe should fulfill that obligation and if the fetus was not viable the nezirus he will observe should be a voluntary nezirus.

Teshuvos Emek Halacha¹ asks why, according to R' Shimon, it is necessary to observe a period of nezirus. Even if we accept his principle of **ספק נזירות לחומרא**, nonetheless, the declaration was that he would be a nazir when he has a son and he never had a son. While inside the womb the "baby" is called a fetus and when it emerged from the womb it was a miscarriage (**נפל**). Therefore it is irrelevant whether the fetus was viable or not since the trigger for the nezirus was the birth of a "son" and that did not occur. We are forced to posit that a fetus is in fact called a "son" and thus the only matter of uncertainty is whether the "son" was viable. R' Yosef Engel² also addresses the question of whether

(Insight...Continued from page 1)

his offerings. At that point, he will be able to observe the hundred-day nezirus uninterrupted and in its entirety. Although the person said, "From now, one hundred days," what he meant was that "I hereby now accept to fulfill a nezirus of one hundred days," but the observance will have to take place when it can be scheduled appropriately.

The other possibility of Rava is that the one-hundred day nezirus be started now with twenty of its days being observed before the thirty-day nezirus begins, and the remainder would take place after the thirty-day nezirus ends.

the father of a fetus is called "father" or not. He also demonstrates from our Gemara that the terms "father" and "son" are intimately related and to be a father there must be a son and to be a son there must be a father.

This raises an interesting question raised in the sefer Oorah Shachar³. Shulchan Aruch⁴ rules that if one knows with certainty the father of an animal it is prohibited to slaughter them on the same day due to the prohibition of **אותרו ואת בנו**. Accordingly, one could ask whether it is permitted to slaughter the father and the mother that is pregnant with the fetus on the same day. If a fetus is a "son" then the father is also called the "father" and it would be prohibited but if the terms "father" and "son" do not apply for a fetus it would be permitted to slaughter the father and the pregnant mother on the same day. ■

1. שו"ת עמק הלכה ח"ב סי' ל"ה
2. בית האוצר מערכת א' כלל ד'
3. ספר עורה השחר ומובא דבריו בפניני הלכה למס' נזיר יג
4. שו"ע יו"ד סי' ט"ז סע' ב' ■

STORIES Off the Daf

Double duty

הריני נזיר ונזיר כשיהיה לי בן

A certain man had a very frightening dream On a certain Yom Tov that fell out on Shabbos and had no choice but to fast the entire Shabbos. He knew that one who fasts on Shabbos must fast again on Sunday for degrading Shabbos with a fast. Similarly, one who fasts on Yom Tov must also fast another day. But what about one who

fasts on a day that is both Shabbos and Yom Tov? Can he discharge his obligation by fasting one day or must he fast two days?

The Ben Ish Chai, zt"l, ruled that one fast is enough. "The Beis Yosef brings the Maharil, zt"l, who states that a certain woman vowed to go to the gravesites of certain tzaddikim in a certain place, but was delayed. After a long time someone hired her to go there and the Maharil said that she need not go twice, just as one who vowed to fast a certain number of days and one of the days was an obligatory

fast, the single fast discharges both obligations."

He continued, "This is unlike the case discussed in Nazir 13 where one vowed to be a nazir, and also vowed to be a nazir when he will have a son, since that statement is like two mutually exclusive vows. In the case of fasts, one never meant that an obligatory fast may not discharge part of his vow. In any case, one may clearly discharge his obligation to fast in this situation with a single day of abstinence, just like the woman in the case cited by the Maharil

