

**Nedarim 3a**

**The Order of Listing and Explaining the Cases of the Mishna**

The last daf ended off with a discussion of which case the Tanna typically explains first, the first case of the Mishna or the last. The Gemara had said that the Tanna would always explain the last case first unless the Mishna listed many cases. If the Mishna lists many cases, the Tanna will first explain the first case to avoid confusion. However, the Gemara brought a Mishna that listed only two cases, and yet the Tanna still explained the first case first. And because of this problem, the Gemara was left with the question of what the standard procedure of the Tanna is when explaining the different cases of a Mishna.

The Gemara now says:

Rather	אָלָא
it is 'lav davka' – not particular	לָאוּ דְּוּקָא
there are times	זִמְנִין
(that the Tanna) will explain the case	מְפָרֵשׁ הֵוָא
he opened (started) with	דְּפָתַח
in the beginning	בְּרִישָׁא
(and there are) times	זִמְנִין
that the one	הֵוָא
that he ended with (the last case)	דְּסָלִיק
he will explain in the beginning	מְפָרֵשׁ בְּרִישָׁא

In other words, there is no rule or reason why the Tanna will first explain the last case or why he would first explain the first case.<sup>13</sup>

The Gemara gives a second answer to explain the why the halachos of yados are explained before the halachos of kinuyim:

Or if you want we can say	וְאִיבְעִית אִימָא
yados	נְדוּת
since they are learned from a drasha	אִינְדִי דְּאֶתְיִין מִדְּרָשָׁא
we explain them first	מְפָרֵשׁ לְהוֹן בְּרִישָׁא

Since the halachos of yados are only learned from a drasha, their halachos are unclear and therefore the Tanna explains them first. Kinuyim, on the other hand, do not need a drasha (as there is no reason why they should not work – as will be explained

<sup>13</sup> Why Does the Tanna Not Have a Standard Procedure for Explaining the Cases of the Mishna?

The Gemara tells us that the Tanna does not have a specific order in which he explains the Mishna? But why not? Even if there is intrinsically no reason why he should do one way or the other, it would still seem that the Tanna should be consistent in what he does? The Ran answers that the Tanna specifically did not want to be consistent. The posuk in Iyov (15:5) says עֲרוּמִים לְשׁוֹן וְתַבְחָר לְשׁוֹן – “And

shortly in the Gemara), and as such, there is no great need to explain them, and therefore, they are only explained after yados.

But on this the Gemara asks:

But let the (Tanna) open with them	וְלִפְתַּח הַדִּין
in the beginning	בְּרִישָׁא

If we understand why we explain yados first, why does this reason not compel the Tanna to list yados first? That is, the Tanna of the Mishna does two things, he lists the cases and explains the cases. Therefore, the Gemara is asking that the same way we understand why the Tanna first explains the case of yados, why does that reason not also compel him to list the case of yados first as well?

The Gemara answers:

The Tanna opens (starts)	מִפְתַּח פָּתַח
with kinuyim	בְּכִינּוּיִין
that are M'Dorayisa (i.e. do not need a drasha)	דְּאֶוְרַיִסָּא
in the beginning	בְּרִישָׁא
and he then explains yados	וְהִדְר מְפָרֵשׁ יָדוּת
that are learned from a drasha	דְּאֶתְיִין לִיה מִדְּרָשָׁא

The Ran explains that the way of the Tanna is to first list things that are known and obvious. Therefore, kinuyim are listed first. However, when it comes to explaining, the Tanna will first explain the case that needs the most explanation. As such, we understand the Mishna very well. The Tanna first lists kinuyim as they are obvious but at first explains yados which needs more explanation.

The Ran points out that the Gemara is not saying that yados do not have the status of something that is M'Dorayisa, instead, all the Gemara means to say is that yados are not explicitly written in the Torah and are therefore not as obvious as kinuyim that do not need a drasha to know that they work.

The Gemara asks:

This is good	הֵנִיחָא
according to the one who said (holds)	לְמָאן דְּאָמַר
kinuyim	כִּינּוּיִין
are expressions	לְשׁוֹן
of goyim (i.e. from their languages)	נְכָרִים הֵן
but according to the one who said	אָלָא לְמָאן דְּאָמַר

you should choose the language of the shrewd”. Therefore, if the Tanna would pick one way to always explain the cases of the Mishna, one could mistakenly think that he did so for a particular reason. Therefore, in order to avoid this mistake, and to make sure that no one ascribes a mistaken reason to why the Tanna always explains the cases in the Mishnayos in a particular order, the Tanna switches the order from Mishna to Mishna.

they are expressions  
that the Chachamim created  
to make a neder with  
what is there to say

לְשׁוֹן  
שֶׁבְדוֹ לְהוֹן חֲכָמִים  
לְהִיּוֹת נוֹדֵר בּוֹ  
מֵאֵי אֵיכָא לְמִימַר

The Gemara later on (10a) will tell us that there is a machlokes as to what kinuyim are. R' Yochanan holds that they are words that were taken from foreign languages. According to this, there is no reason kinuyim should not work as one can make nedarim in any language, and therefore, this that kinuyim work is considered to be more obvious than this that yados work.

However, Rais Lakish holds that kinuyim are terms that the Chachamim devised (the reason for this will be explained later on (daf 10a). If so, this that we can use them is not obvious. If one does not know that the Chachamim made these kinuyim, there would be no reason to think that these words work. If so, they are not more obvious than yados, and as such, we will need an explanation as to why yados are explained before kinuyim.

The Gemara answers:

Did the Tanna teach yados (at all)  
but did you not say that the Mishna is  
missing words

מִי קִתְּנֵי יָדוֹת  
וְלֹא חֲסוּרֵי קָא מְחֻסְרֵת לֵה  
מִשְׁנָה

Previously, the Gemara had said that the Mishna is missing words and words have to be added (according to the text of the Mishna, the Mishna never mentioned the halacha of yados, and therefore, that had to be added). The Gemara now says that once you anyway have to add words, you should add words and the final text of the Mishna should read as follows.

“Put forward” also (i.e. put yados before kinuyim)  
and teach yados (as follows)  
All yados of nedarim  
are like nedarim  
and all kinuyim of nedarim  
are like nedarim  
and these are yados  
if one says to his friend...  
and these are the kinuyim  
konam konach konas

אֶקְדָּמִים נְמִי  
וְתִנֵּי יָדוֹת  
כָּל יָדוֹת נְדָרִים  
כְּנְדָרִים  
וְכָל כִּינּוּיֵי נְדָרִים  
כְּנְדָרִים  
וְאֵלוֹ הֵן יָדוֹת  
הָאוֹמֵר לְחֵבֵיר  
וְאֵלוֹ הֵן כִּינּוּיֵי  
קוֹנָם קוֹנָח קוֹנָס

In the previous answer, the Gemara said that with regard to listing cases, the Mishna will start by listing the more obvious cases, but with regard to explaining cases, the Mishna will start by listing the less obvious case (i.e., the case that need more explanation). Therefore, according to the one that holds kinuyim are simply foreign words, we understand why they are listed first,

and we understand why yados, which are less obvious, are explained first.

However, in order to understand the shita that holds that kinuyim are words that the Chachamim made, the Gemara in this answer will change its understanding of how the Mishna lists and explains its cases. The Gemara now says that at first the Gemara will list the more obvious case, and once it lists the more obvious case, it will follow this order and will at first explain the more obvious case as well. Therefore, according to the one that holds that the Chachamim were the ones who created the kinuyim and are therefore less obvious (as yados are learned out of a drasha and are therefore more obvious than kinuyim that are only an innovation of the Chachamim), we understand the Mishna (with its added words). The Mishna first lists yados (which are more obvious) and then kinuyim (which are less obvious), and the Mishna will also first explain yados (as they are more obvious), and only then explain kinuyim (which are less obvious).

**The Two Ways to Understand How the Tanna Lists and Explains the Cases of the Mishna**

**To Summarize:** The Ran explains that we now have two ways to answer the Gemara’s original question, that if the Mishna lists kinuyim first, why does the Mishna not explain kinuyim first.

The first answer is that the Tanna does not list or explain the cases of the Mishna in a particular order. The second answer is that our Mishna does have a particular order, and this is something that both R' Yochanan and R' Shimon ben Lakish agree to but for different reasons. R' Yochanan holds that kinuyim are more obvious than yados, and the way of the Tanna is to first list the more obvious case but to first explain the less obvious. Therefore, we understand very well why the Tanna first lists the case of kinuyim but at first explains the case of yados. R' Shimon ben Lakish however holds that yados are more obvious, but R' Shimon ben Lakish holds that the Tanna will at first both list and explain the more obvious case. And once we have all the missing words of the Mishna, this is what is done. The Tanna firsts lists yados and it also first explains yados

**The Source for the Halacha of Yados**

The Gemara will now explain the source in the Torah that yados are effective.

And yados	וְיָדוֹת	(this teaches us) just like nezirus	מִהַ נְזִירוֹת
where are they written (in the Torah)	הֵיכָא כְּתִיב	(the Torah) makes in it	עָשָׂה בּוֹ
The posuk (Bamidbar 6:2) says:		yados nezirus like nezirus	וְיָדוֹת נְזִירוֹת כְּנְזִירוֹת
“A man ...	אִישׁ	also (with regard) to nedarim	אֶף נְדָרִים
that separates (himself)	כִּי יַפְלֵא	(the posuk) makes in them	עָשָׂה בָהֶם
by making a neder	לְנֶדֶר נְדָר	yados nedarim like nedarim	וְיָדוֹת נְדָרִים כְּנְדָרִים
to be a nazir to Hashem.”	נָזִיר לְהָזִיר לַה'	The Gemara just taught us the halachos of nedarim that are learned out of the halachos of nezirus because of this hekesh. We will now see the reverse, i.e., the halachos of nezirus that are learned out of the halachos of nedarim.	
And we learned in a Baraisa	וְתַנְיָא	And just like with regard to nedarim	וַיִּמָּה נְדָרִים
(the words) ‘nazir l’hazir’ (come)	נָזִיר לְהָזִיר	a person transgresses (the issur-prohibition)	עוֹבֵר
to make	לַעֲשׂוֹת	of bal yachel (do not desecrate)	בְּבַל יַחַל
the kinuyim of nezirus	כִּינּוּיֵי נְזִירוֹת	(and the issur) of bal t’acher (do not delay)	וּבְבַל תֵּאַחֵר
like nezirus <sup>14</sup>	כְּנְזִירוֹת	also with regard to nezirus	אֶף נְזִירוֹת
and the yados of nezirus like nezirus	וְיָדוֹת נְזִירוֹת	a person transgresses	עוֹבֵר
like nezirus	כְּנְזִירוֹת	(the issur) of bal yachel	בְּבַל יַחַל
From the double expression of ‘nazir l’hazir’, we learn that the yados and kinuyim of nezirus are like nezirus.		(the issur) of bal t’acher	וּבְבַל תֵּאַחֵר
But on this the Gemara asks:		If one breaks his neder, he transgresses the issur of ‘Bal Yachel (that is, do not desecrate your neder). And if one makes a neder to bring a korban and does not bring it before the Shalosh Regalim (three Yomim Tovim – Pesach, Shevuos, Sukkos) pass, he transgresses the issur of ‘Bal T’acher’ – ‘Do not Delay’. And the hekesh teaches us that just like these two issurim (prohibitions) apply to nedarim, they apply to nezirus as well (as will be explained later on in the Gemara).	
I only have	אֵין לִי אֵלָא	The Gemara continues with additional halachos that were said in regard to nedarim but apply to nezirus as well as a result on the hekesh.	
(with regard to) nezirus	בְּנְזִירוֹת	And just like (with regard to) nedarim	וַיִּמָּה נְדָרִים
with regard nedarim	בְּנְדָרִים	a father	הָאָב
how do we know (the halachos of yados)	מֵיָן	can uproot (be mayfer)	מִיִּפֵּר
Granted that we have a source that the yados of nezirus and kinuyim of nezirus are like nezirus, but how do we know that the yados of nedarim and kinuyim of nedarim are like nedarim?		the nedarim of his daughter	נְדָרֵי בָתּוֹ
		and a husband	וּבַעַל
		can uproot (be mayfer)	מִיִּפֵּר
		the nedarim of his wife	נְדָרֵי אִשְׁתּוֹ
		also (with regard) to nezirus	אֶף נְזִירוֹת
		the father	הָאָב

**The Hekesh Between Nezirus and Nedarim and the Halachos that Are Learned One from the Other**

The Gemara answers:  
 “The posuk comes to teach us when it says’ תְּלַמּוּד לִזְמַר  
 “(And if) a man will separate אִישׁ כִּי יַפְלֵא  
 to make a neder לְנֶדֶר נְדָר  
 to be a nazir to Hashem.” נָזִיר לְהָזִיר לַה'  
 The posuk mentions an expression of making a neder to be a nazir. Based on this, the Gemara says:  
 (The posuk) compares nezirus מְקִישׁ נְזִירוֹת  
 to nedarim לְנְדָרִים  
 and nedarim to nezirus וְנְדָרִים לְנְזִירוֹת

<sup>14</sup> Do We Need a Posuk to Know that the Kinuyim of Nezirus Are Like Nezirus?  
 The Gemara says that from this posuk we know that the kinuyim of nezirus are like nezirus and the yados of nezirus are like nezirus. However, the Ran says that it cannot be that this is the correct text as you do not need a posuk to teach us the halachos of kinuyim. As we previously said, kinuyim are either foreign words or they are words that were created by the Chachamim. Now, if they are foreign words, we do not need a posuk to teach that they are effective as all

languages are effective. And if they are words that were created by the Chachamim, then certainly the posuk is not coming to include them. Therefore, the Ran says that you have to take out the word ‘and kinuyim of nezirus are like nezirus. The Rosh and Tosefos both bring this point of the Ran, that the posuk cannot be teaching us the halacha of kinuyim. However, they both keep the text the way it is and just say that kinuyim were just mentioned in passing.

can uproot his daughter's nezirus and a husband	מִיכָר נְזִירוֹת בָּתוּר וּבַעַל
can uproot his wife's nezirus	מִיכָר נְזִירוֹת אִשְׁתּוֹ

these words are doubled, but rather it is from the order of the words.

The Gemara explains that the Torah will often write in the way people typically talk. Therefore, even if the Torah will 'unnecessarily' use a double-expression, one would not be allowed to be a drasha from it (as perhaps the reason that the double-expression is used is not to teach a halacha but rather it is used to imitate the way of people who would use this double-expression as well).

The Ran explains that according to this, the reason we make a drasha from the words 'nazir l'hazir' is not because this is a double expression but rather the drasha comes from the fact that the words are written out of the standard order.

Typically, in an expression, the verb is before the noun. For example, the posuk (Bamidbar 30:3) says לְאַסֵּר אֶפֶר עַל נַפְשׁוֹ – to make assur the issur on himself. In Sefer Rus (4:7) it says לְקַיֵּם כָּל - דְּבָר - to establish any manner. In both these cases, the verb comes before the noun, yet with regard to nezirus, we find not that way. There, the posuk says נָזִיר לְהַזִּיר – nazir l'hazir. The subject of the action comes before the action (the noun before the verb).

Therefore, since the Torah is writing these words in an abnormal way, we have the right to make a drasha and to learn out the halacha of yados with regard to nezirus but not with regard to nedarim. Regarding nedarim, the posuk says 'lindor neder', i.e., the typical manner of putting the verb before the noun, and as such, no drasha is warranted.

**If You Hold that the Torah Does Not Talk כְּלָשׁוֹן בְּנִי אָדָם, How Do You Learn the Drashos?**

The Gemara now asks:	
This is good	הַנִּיחָא
according to the one that holds	לְמַאן דְּאִית לֵיהּ
the Torah talks	דְּבַרָּה תּוֹרָה
in the language of people	כְּלָשׁוֹן בְּנִי אָדָם
but according to the one	אֲלֵא לְמַאן
that does not have (the concept)	דְּלִית לֵיהּ
that the Torah talks	דְּבַרָּה תּוֹרָה
in the way of people	כְּלָשׁוֹן בְּנִי אָדָם
this 'lindor neder'	הַאי לְנִדּוֹר נְדָר
what does he do with it	מַאי עָבִיד לֵיהּ

If you hold that the Torah does not talk in the way of people, then what do you do with the words of 'lindor neder'? Since there

**The Difference Between the Wording that is Said in Context of Nezirus and the Wording that is Said in Context of Nedarim**

The Gemara now questions this that the yados of nedarim are learned out of the yados of nezirus.

The Gemara told us that the way we know that the yados of nezirus are like nezirus is from the words נָזִיר לְהַזִּיר 'nazir l'hazir'. And once we know that the yados of nezirus are like nezirus, the hekesh between nezirus and nedarim teaches us that the yados of nedarim are like nedarim as well. And on this the Gemara asks:

What is the difference	מַאי שָׁנָא
with regard to nezirus	בְּנִי נְזִירוֹת
that it is written 'nazir l'hazir'	דְּכָתִיב נָזִיר לְהַזִּיר
(with regard to) nedarim also	נְדָרִים נְמִי
it is written 'lindor neder'	הָא כְּתִיב לְנִדּוֹר נְדָר
and (if so) the hekesh	וְהִקְיֵשׂא
why do I (we) need it	לְמָה לִּי

Seemingly the exact same terminology used with regard to nezirus is used with regard to nedarim. The same way with regard to nezirus there is a double expression 'nazir l'hazir', so too with regard to nedarim a double expression is used, 'lindor neder'. If so, the same way this double expression taught the halacha of yados with regard to nezirus, the double expression should also teach us the halacha of yados with regard to nedarim, and we should not need a hekesh.

The Gemara answers:	
If it would have written	אִי כָּתַב
'neder lindor'	נְדָר לְנִדּוֹר
the way it is written 'nazir l'hazir'	כְּדָכָתַב נָזִיר לְהַזִּיר
(then it would be) like you said	כְּדָקְאֲמַרְתָּ
(and we) would not need	לָא צְרִיךְ
the hekesh	הִקְיֵשׂא
(but) now	הַשְׁתָּא
that it is written 'lindor neder'	דְּכָתִיב לְנִדּוֹר נְדָר
the Torah talks	דְּבַרָּה תּוֹרָה
like the language of people	כְּלָשׁוֹן בְּנִי אָדָם

The Gemara is answering that the drasha that is used to know that the yados of nezirus are like nezirus is not from the fact that

is no reason that the words have to be doubled, if they are, it must be to teach us a darsha. But it cannot be that it teaches us the halacha of yados with regard to nedarim because we already know that the yados of nedarim are like nedarim from the hekesh to nezirus.

The Gemara answers that this opinion holds that the drashos from the pesukim are as follows:

<b>He darshins (expounds 'lindor neder')</b>	<b>דְּרִישׁ לִיה</b>
<b>to make</b>	<b>לַעֲשׂוֹת</b>
<b>yados of nedarim like nedarim</b>	<b>יָדוֹת נְדָרִים כְּנְדָרִים</b>
<b>and he makes a hekesh</b>	<b>וּמְקִישׁ</b>
<b>nezirus to nedarim</b>	<b>נְזִירוֹת לְנְדָרִים</b>

Previously we said that the yados of nedarim are learned out of nezirus. Now we are saying the opposite. According to the one who holds that the Torah does not talk in the manner of people, one can make a drasha and learn yados nedarim from the double-

expression of 'lindor neder'. And once we know yados of nedarim, the yados of nezirus are learned out of a hekesh to nedarim, i.e., instead of yados of nedarim being learned out of nezirus, the yados of nezirus are learned of nedarim.

But now that we know the yados of nezirus are like nezirus from the hekesh, what do we do with the drasha of 'nazir l'hazir'? Previously, these words were used to teach that there are yados by nezirus. But now that we are saying that the yados of nezirus are learned out of nedarim, this double expression is no longer needed to teach us yados of nezirus, and as such, we will have to explain what this double-expression comes to teach us.

The Gemara answers:

<b>And from the words "nazir l'hazir"</b>	<b>נָזִיר לְהַזִּיר</b>
<b>he darshins</b>	<b>דְּרִישׁ לִיה</b>
<b>(to) teach</b>	<b>מִלְמֹד</b>

### Nedarim 3b

That nezirus is 'chal' effective 'on' nezirus

According to this shita, the words 'nazir l'hazir' are coming to teach us that nezirus is 'chal' effective on nezirus (see footnote).<sup>15</sup>

And on this the Gemara immediately asks:

And according to the one who says the Torah talks in the language of people and (the words) 'nazir l'hazir' he (needs) to darshin to make the yados of nezirus like nezirus this that nezirus is 'chal' on nezirus how does he know it

As we previously learned, the one who holds that the Torah talks in the way of people, needs the words 'nazir l'hazir' to teach that yados of nezirus are like nezirus. If so, how does he know the halacha that nezirus is 'chal' on nezirus?

Regarding this question, the Gemara makes the obvious point:

This is good if he holds like the one who says nezirus in not 'chal' on nezirus but if he holds like the one who says nezirus is 'chal' on nezirus how would he know it

The question of how this opinion knows the halacha that nezirus is 'chal' on nezirus, is only a question if this opinion actually holds that this is the halacha. However, there are shitos that hold that nezirus is not chal on nezirus, and as such, if the shita that holds that the Torah talks in the way of people, he will not have this question.

<sup>15</sup> Is Nezirus 'Chal' on Nezirus?

If one says that he is becoming a nazir and does not specify for how long, he is a nazir for thirty days. But what happens if a person says that he wants to be a nazir, and then again he says that he wants to be a nazir, that is, he says that he wants to be a nazir at a time that he is already a nazir? One shita holds that

But if the shita that holds that the Torah talks in the way of people also holds that nezirus is chal on nezirus, the way he would know that is as follows.

Let the posuk say 'lizar' what (is the point of saying) l'hazir we see from here two (halachos)

The posuk says nazir l'hazir but why did it not say 'nazir lizar'? The Gemara says that it must be that the Torah wrote the word l'hazir and not lizar to teach us an additional halacha. That is, according to this shita, the double expression of 'nazir l'hazir' teaches us the halacha of yados with regard to nezirus, and the fact that it said l'hazir and not lizar teaches us that nezirus can be 'chal' on nezirus.

The Ran explains that in reality, with regard to the translation of the words, there is no difference between the words lizar and l'hazir; the drasha of the Gemara comes from the fact that the posuk is not consistent. Regarding nedarim, the posuk said 'lindor neder', and if so, for the sake of consistency, the posuk should have said 'nazir lizar'. But it did not, and it is from this change of wording that the Gemara holds that a new halacha can be learned out of it.

The Gemara continues:

In the west (i.e., Eretz Yisroel) they say there is a Tanna that learns out yados from 'lindor neder' and there is a Tanna that learns it out from (the posuk Bamidbar 30:3) "Like everything that comes out of his mouth he should do"

This posuk implies that you must fulfill everything that comes out of your mouth, i.e., even yados of nedarim.

In Eretz Yisroel, they said that there were two different ways to know the yados of nedarim. The first learns it out of the words 'lindor neder'. The Ran explains that this is the Tanna that holds

nezirus is chal on nezirus. Therefore, even though the person is already a nazir, the second declaration of nezirus will be effective and he would therefore have to be a nazir for sixty days. However, there are those who hold that nezirus cannot be 'chal' on nezirus, and therefore if one declares that he wants to be a nazir at a time that he is already a nazir, this proclamation will have no effect.

that the Torah does not talk in the way of people, and therefore, the double expression can teach you the halacha of yados.

And the second shita in Eretz Yisroel holds that yados are learned out of the posuk of מִפִּי כִּכְל הַיּוֹצֵא מִפִּי. The Ran explains that this is like the Tanna that holds the Torah does talk in the way of people, and as such, you cannot learn yados from 'lindor neder'. Instead, he learns yados from this posuk.

This is different from what we said before. Previously we noted that the shita that holds that the Torah does talk in the way of people holds that both yados and the halacha that nezirus is 'chal' on nezirus are learned from the words 'nazir l'hazir'. We are now saying that this shita holds that the words 'nazir l'hazir' will only teach you the halacha that nezirus is 'chal' on nezirus and the halacha of yados will be learned from the posuk מִפִּי כִּכְל הַיּוֹצֵא מִפִּי.

See footnote for a summary of the different ways to learn the halachos of yados with regard to nedarim and nezirus.<sup>16</sup>

**The Issur of בל יחל (do not desecrate your words) with Regard to Nedarim and With Regard to Nezirus**

The Gemara will now discuss one of the halachos that was learned out of the hekesh between nedarim and nezirus.

Mar said (previously)  
just like nedarim

אָמַר מַר  
וְמֵה נְדָרִים

one (can) transgress

עוֹבֵר

'bal yachel' and 'bal t'acher

בְּבַל יַחַל וּבַל תֵּאַחֵר

The drasha tells us that just like there is a lav of 'bal yachel' and 'bal t'acher' with regard to nedarim, so too there is a lav of 'bal yachel' and 'bal t'acher' with regard to nezirus. The Gemara now asks how this is possible. The Gemara will at first discuss the lav of 'bal yachel' (do not desecrate your words) with regard to nezirus and the Gemara will then discuss 'bal t'acher' (do not delay).

It is good (understandable)

בְּשֵׁלְמָא

(the lav) of 'bal yachel' of nedarim

בַּל יַחַל דְּנְדָרִים

is found

מִשְׁפַּחְתָּהּ לָהּ

for example

כְּגוֹן

that the person said

דְּאָמַר

"this loaf I will eat"

כִּכְרֵז אוֹכֵל

and he did not eat it

וְלֹא אָכְלָהּ

he (therefore) transgresses

עוֹבֵר

'on account of

מִשּׁוּם

the lav of 'do not disgrace your word

בַּל יַחַל דְּבִרְוֹ<sup>17</sup>

but 'bal yachel' of nezirus

אֶלֶּא בַּל יַחַל דְּנְזִירוֹת

how do we find it

הִיכִי מִשְׁפַּחְתָּהּ לָהּ

since he said

כִּיּוֹן דְּאָמַר

"I am a nazir"

הִרִינִי נָזִיר

<sup>16</sup> Summary of the Different Sources for the Halachos of Yados of Nedarim

- 1) If you hold that the Torah talks in the way of people than the yados of nezirus are learned from the words 'nazir l'hazir'. That is, since the posuk changes from the typical fashion of putting the verb before the noun and instead the posuk put the noun before the verb, we learn out that the yados of nezirus are like nezirus. This shita holds that the double expression will not teach you anything as it is the way of people to use a double expression and the Torah talks in the way of people. Therefore, yados of nedarim cannot be learned out of the double expression of 'lindor neder' and instead yados of nedarim are learned out of a hekesh to nezirus. That is, just like the yados of nezirus are like nezirus, so too the yados of nedarim are like nedarim.
- 2) However, according to the one that holds that the Torah will not talk in the way of people, yados are learned from the double expression of 'lindor neder'. And according to this, the fact that there are yados nezirus is learned out of the hekesh, that is just like nedarim have yados, so does nezirus have yados.
- 3) But if so, why do we need the double expression of 'nazir lizar'? To which the Gemara answered that these words teach you that nezirus is 'chal' on nezirus.
- 4) But according to the one who holds that the Torah does talk in the language of people, how does he know that nezirus is chal on nezirus? He cannot say that it is learned from the posuk of 'nazir lizar' because he already used the posuk to teach that nezirus has yados. The Gemara answers that one can learn two halacha from the word 'nazir lizar' as these words encompass two changes from the way they 'should' have been written. Firstly, the verb should have been before the noun. Secondly, the posuk should have said 'nazir lizar' in order to match the words that are written with regard to nedarim. Therefore, we can

learn two halachos from these words. The halacha of yados and the halacha of nezirus being 'chal' on nezirus.

- 5) In Eretz Yisroel, they had a different version of the one who holds that the Torah talks in the language of people. They hold that this shita learns yados from the posuk מִפִּי כִּכְל הַיּוֹצֵא מִפִּי and the halacha of nezirus being 'chal' on nezirus from the posuk of 'nazir l'hazir'.

<sup>17</sup>The Question of Rabbi Akiva Eiger

The Gemara tells us that the case of 'bal yachel' with regard to nedarim is the case that the person makes a neder to eat a certain food and he doesn't. But Rabbi Akiva Eiger asks that seemingly this is not a neder! A neder is on an object, not the person. And if so, how can a person make a neder to do something? Rabbi Akiva Eiger points out that if a person would make a neder not to eat a particular food, then this would work. Not as a neder but as a yad to a neder. That is, although in this case as well he is referring to himself and not the object, we 'interpret' his words to mean that what he is really trying to do is to make the food assur.

But as Rabbi Akiva points out, this would only work with regard to a person who says that he will not eat food, but this would not help with regard to a person who says that he is making a neder that he will eat a particular food. In this case there is no way to 'interpret' his words to be referring to an actual neder, and if so, it is hard to understand how this could be considered a neder. Rabbi Akiva Eiger leaves this as an open question.

The Rashash answers that the Gemara could be referring to the case in which the person said that that this loaf of bread should be assur to him if he doesn't eat a different loaf, and the person goes ahead and eats the first loaf. Now if the person does not eat the second loaf, the first loaf will be determined to have been assur which means this person would have transgressed 'bal ochel' as a result of a lack of an action. That is, because he did not do something (i.e., because he did not eat the second loaf), he transgresses the lav of 'bal ochel'.

he is a nazir	הוּה לִיה נָזִיר
(and therefore if) he ate (grape products)	אָכַל
'it goes up' in him (i.e., he transgresses)	קָם לִיה
(the lav of) 'bal y'ochel' (do not eat grape products)	בְּכַל יֹאכַל
and if he drinks (grape products)	שָׁתָה
'it goes up' in him (i.e., he transgresses)	קָם לִיה
(the lav of) 'bal yisteh' (do not drink grape products)	בְּכַל יִשְׁתֶּה

The Torah says that if a person becomes a nazir he should not eat or drink anything from a grapevine. If so, what is the case of a nazir transgressing the lav of 'bal yachel (do not desecrate your words). If a person becomes a nazir and either eats or drinks grape products, he will transgress the lav not to eat or drink grape products, and as such, there is never a case of the nazir transgressing just the lav of 'bal yachel' (the lav that says not to transgress the issur that you created on yourself).

The Ran explains that the Gemara is asking that we never find a case with regard to a nazir that he will transgress just the issur of 'bal yachel'. The Gemara assumes that since there is a hekesh between nedarim and nezirus they should be similar in this aspect as well. The same way with regard to nedarim one can transgress just the lav of 'bal yachel', so too with regard to nezirus there should be a case that you would be able to transgress this lav and no other. Because if not, nedarim and nezirus would not be comparable to each other. And this would seem to be impossible, because at the moment that the nazir would be transgressing the general lav not to go against your word, he will obviously also be transgressing the lav not to eat or drink grape products.

The Gemara answers:

Rava said	אָמַר רַבָּא
(this issur was said to transgress on it	לְעִבּוּר עָלָיו
two (lavin - prohibitions)	בְּשְׁנַיִם

Rava answers that indeed the issur of 'bal yachel' with regard to nezirus was only said to add to the number of lavin that a nazir will transgress when he either eats or drinks products of the grapevine.

#### 18 Why is there No Issur of 'Bal Yachel' with regard to Nedarim?

The Ran asks that once there is a hekesh between nedarim and nezirus, and this is why the lav that is said with regard to nedarim 'bal yachel' applies to nezirus as well, why do we not say that hekesh in the reverse? That is, we should say that the same way that there is a lav of 'bal ochel' – 'do not eat' with regard to nezirus, there should be this lav with regard to nedarim as well. And if so, if someone breaks his neder, not only should he transgress the lav of 'bal yachel', but he should also transgress the lav of 'bal ochel' as well.

In other words, although initially we thought to say that with regard to nezirus there must be a case in which the nazir can transgress only this issur in order to make it similar to nedarim, the Gemara is now changing from that assumption. The Gemara now holds that once we have a hekesh between nedarim and nezirus, this means that we compare the two to each other as much as possible. And if there is going to be an aspect in which they are not similar, this will not invalidate the hekesh.<sup>18</sup>

The Gemara now asks:

The lav of 'bal t'acher (do not delay)	בַּל תֵּאַחַח
with regard to nezirus	דְּנִזְרוּת
how do you find it	הֵיכִי מִשְׁפַּחְתָּ לָּהּ
since he said	כִּיּוֹן דְּאָמַר
"Behold I am a nazir"	הֲרִינִי נָזִיר
he is a nazir (immediately)	הוּו לִיה נָזִיר
(and therefore if) he ate (products from the grapevine)	אָכַל
it will apply to him	קָם לִיה
(the lav) of 'bal ochel'	בְּכַל יֹאכַל

The lav of 'bal t'acher' says that once you make a neder you must fulfill it in a timely manner. But this would seem to be irrelevant to nezirus. If a person declares that he wants to be a nazir, he is a nazir at once and would then be subject to all the issurim of nezirus. In other words, there does not seem to be a case in which a person could delay a nezirus. If he said nothing, there is obviously no chiyuv to go ahead and make himself into a nazir. And if he said he wants to be a nazir, he is a nazir at once. If so, what is the case of 'pushing off' a nezirus?

The Gemara answers that this lav applies in a case that:

He says	בְּאוֹמַר
"When I want I will be a nazir"	לְכַשְׁאֲרָצָה אֶהְיָא נָזִיר
(but) if he said "when I want"	וְאִי אָמַר כְּשֶׁאֲרָצָה
there isn't 'bal t'acher'	לֵיכָא בַּל תֵּאַחַח

The Gemara wanted to find a case in which a 'nazir proclamation' does not make him a nazir immediately. The Gemara proposed that the case could be when the person does

The Ran answers that we cannot say this way because the lav of 'bal ochel' with regard to nezirus just says that he cannot eat products from the grapevine, and if so, this lav is not applicable to nedarim. A person can make a neder on all foods and not just on grapevine products.

As opposed to the lav of 'bal yachel'. This lav just says not to disgrace your word, i.e., do not go against what you said. This lav can apply to both nedarim and nezirus and this is why the hekesh can tell us that indeed this is true. That the same way we have this lav with regard to nedarim, it applies to nezirus as well.



not simply say that he wants to be a nazir, but instead he said that he should be a nazir when he decides to do so.

To which the Gemara asks that while it is true that this is a case in which the nezirus does not take effect immediately, but in this case, there is no issur to push it off as well. The person said explicitly that the nezirus should only take effect when he wants. Therefore, as long as he doesn't want to be a nazir, there is no chiyuv to do so. And if so, we are left searching for a case in which it would be assur for the person to delay his nezirus.

The Gemara answers:

Rava said	אמר רבא
for example	כגון
that he said "I will not leave from the world until I will be a nazir" (and if so) from that time (and on) (he has a chiyuv) to be a nazir	דאמר לא איפטור מן העולם שצאה נזיר דמן ההיא שעתא הוה ליה נזיר
just like	מידי דהנה
one who says to his wife "This should be your get (divorce document) one hour before I die" (and because of this) she is assur (forbidden) to eat terumah	האומר לאשתו הרי זו גיטיך שעה אחת קודם מיתתי אסרה לאכול בתרומה

immediately <sup>19</sup>	מיד
we see (from here)	אלמא
that we say	אמרין
that at every moment (we are concerned that) he might die	כל שעתא ושעתא דילמא מניית
here too also	הכא נמי
immediately (he is obligated) to be a nazir	לאיתר הוי נזיר
for we say	דאמרין
maybe now he will die	דילמא השתא מניית

A woman who marries a Kohen is allowed to eat terumah as long as she is married to the Kohen. However, if her husband gives her a get that should go into effect an hour before his death, this woman becomes assur in terumah immediately.

Even though now the husband is alive, we are concerned that if she eats terumah, her husband might die within an hour of her eating, and if this happens, it will come out that she ate terumah after the get had already taken effect.

In other words, we have to be worried that this person might die at any moment. If so, regarding nazir we say the same thing. This person said that he will become a nazir before he dies. But he does not know when he will die, and if so, he must become a nazir immediately, and if he doesn't, he will transgress the lav of 'bal t'acher,' the lav that says that one should not push off what he is obligated to do.

<sup>19</sup> Why Would a Person Give Such a Get?

The reason a person would give his wife a get to take effect an hour before he dies is in order to avoid his wife falling to yibum. If a man dies without any children, there is a mitzvah for the man's brother to either do yibum ('marry' her or to give her chalitzah). Until one of these two things happens, the woman is

assur to marry anyone else. Therefore, in the case that we do not know where the husband's brother is, it would be advantageous for the husband to give his wife such a get. Only a widow falls to yibum and not a divorcee. Therefore, by giving his wife such a get, he will be able to stay married to her for as long as possible and he will also be able to ensure that she does not fall to yibum.