

Nedarim 4A**The Various Cases of a Nazir Transgressing the Lav of “Bal T’acher”**

Our daf starts with the Gemara continuing its search for a case of a nazir transgressing the lav of ‘bal t’acher’. At the moment that a person makes the neder to be a nazir, he becomes a nazir. If so, it would seem impossible to push off a chiyuv to be a nazir. If he did not make a neder to be a nazir, there is certainly never a need to do so. And if he did make a neder to be a nazir, it takes effect at once, and if so, it would seem impossible for the lav of ‘bal t’acher’ to apply to nezirus. The Gemara on the previous daf gave one possibility and the Gemara now gives another.

Rav Acha bar Yaakov said	רב אחא בר יעקב אמר
for example	בגון
that he made a neder (to be a nazir)	דנדר
and he was in a cemetery	והוא בבית הקברות

One of the things that a nazir must do is to keep himself tahor (pure). This leads to the question of what happens to the person who makes a neder to be a nazir while in a bais hakevaros (a cemetery).

That is, when he makes his neder to be a nazir he automatically violates it. Rabbi Yochanan holds that in this case, the nezirus is ‘chal’ (takes effect) at once and therefore if he does any of the things that a nazir is not allowed to do, he will get malkus (lashes).

Rais Lakish, however, argues. He holds that it is impossible for nezirus to be ‘chal’ in a place where at the moment that the nezirus would take effect, he instantly violates it. Therefore, in this case, when he exits the cemetery, he would have to again accept upon himself to be a nazir. If so, we have found a case in which the person is commanded not to delay his nezirus. If this person waits in the bais hakevaros, he will transgress the issur of ‘bal t’acher’.

And on this answer, the Gemara asks the obvious question.

It is understandable	הניחא
according to the one that says	למאן דאמר
the nezirus is not ‘chal’ on him	לא חיילא עליה נזירות
immediately	מאלתר
but according to the one that says	אלא למאן דאמר
it is ‘chal’ on him immediately	מאלתר חיילא עליה
is there ‘bal t’acher’	מי איכא בל תאחר

As we explained, according to R' Yochanan even if a person accepts nezirus while in a cemetery, the nezirus is chal, and if so, according to him, the case of accepting nezirus while in a cemetery cannot be the case in which the lav of ‘bal t’acher’ could apply.

The Gemara asks a second question.

And furthermore	ועוד
Mar bar Rav Ashi said	האמר מר בר רב אשי
nezirus is ‘chal’ on him	חיילא נזירות עליה
immediately	מאלתר
and when do they argue	וכי פליגי
with regard to malkus they argue	לענין מלקות פליגי

The Ran explains that according to Mar bar Rav Ashi everyone agrees that the nezirus is ‘chal’ immediately. Therefore, when he exits the bais hakevaros, there would be no need for him to reaccept nezirus. The only machlokes is with regard to malkus. Rabbi Yochanan holds that if he eats or drinks grape products, he will get malkus, and Raish Lakish holds that he would not. If so, according to everyone we have lost our answer.

That is, even according to Raish Lakish, the nezirus is ‘chal’ at the time he makes his neder, and if so, we will still not have a case in which the person can transgress ‘bal t’acher’.

The Gemara answers:

Even so	אפילו הכי
it is ‘established’ in him	קם ליה
(the lav) of ‘bal t’acher’	בבל תאחר
because he pushed off	משום דקא מאחר
‘pure nezirus’	נזירות דטהרה

The Gemara answers that even though we are saying that the nezirus is ‘chal’ immediately, one would still transgress ‘bal t’acher’ by waiting in the bais hakevaros. By waiting there, he is preventing himself from being a ‘tahor nazir (a pure nazir)’. That is, there is a chiyuv for a nazir to be tahor and delaying this will cause him to transgress ‘bal t’acher’.

Rebbi Ashi said	אמר רב אשי
since this is so	הואיל וכן
a nazir	נזיר
that purposely makes himself tamei	שטימא עצמו במזיד
transgresses ‘bal t’acher’	עובר משום בל תאחר
of pure nezirus	דנזירות טהרה

The Gemara told us that the person who accepts nezirus in a bais hakevaros transgresses ‘bal t’acher’ as he is pushing off the time of him being a tahor nazir. Rabbi Ashi points out that you

can learn a new halacha based on this. Even if a person is already a full-fledged nazir, he could still transgress ‘bal t’acher’. This is because if a nazir willfully makes himself tamei he is pushing off the time that he is a nazir tahor, and as such, he will transgress ‘bal t’acher’ in accordance with what the Gemara told us.

The Gemara will continue to bring various ways that a nazir could transgress the lav of ‘bal t’acher’.

Rav Acha	רב אחא
the son of Rav Ika said	בְּרִיהַ דְּרַב אִיקָא אָמַר
he (can) transgress	עוֹבֵר
(the lav of) ‘bal t’acher’	בְּבַל תֵּאַחַר
(with) his ‘shaving’	תְּגַלְחָתוֹ

One of the things that a nazir must do upon completing his nezirus is to shave his head. If he delays this, he will transgress the lav of ‘bal t’acher’.

On this answer the Gemara points out:

And this is not needed (to say)	וְלֹא מִיבְעִיָּא
according to the one who says	לְמַאן דְּאָמַר
that the shaving ‘prevents’	תְּגַלְחָת מְעַכְבֵּת
but even	אֲלֵא אֶפִּילוּ
according to the one that says	לְמַאן דְּאָמַר
shaving does not ‘prevent’	תְּגַלְחָת אֵינָהּ מְעַכְבֵּת
the mitzvah of shaving	מִצְוַת גִּילּוּחַ
however he did not fulfill	מִיְהֵא לֹא מִיקַּיִים

After a nazir finishes his nezirus, there are many things that he must do: he shaves his head, brings various korbanos, etc., What happens if he does not do all of them? Rebbi Elazar holds that until he does all of them, the issurim of a nazir stay in place, i.e., he is not allowed to drink wine, etc. The Chachamim hold that immediately after the nazir brings his korbanos, at that point, he is no longer considered a nazir and is allowed to drink wine, etc. That is, even though he only brought his korbanos and did not do all of the other things that a nazir must do (i.e., shave his head etc.), he is still no longer considered a nazir and is allowed to drink wine, etc.

The Gemara is now saying that according to Rebbi Elazar we understand very well why this person transgresses ‘bal t’acher’ by delaying the shaving of his head. Until he shaves his head, he is still a nazir, i.e., the shaving of his head is an integral part of what he has to do and if he delays it, we understand why he should be guilty of transgressing the lav of ‘bal t’acher’.

But according to the Chachamim, the shaving of his head is not integral, and the proof is from the fact that the nazir could

start drinking wine before he shaves his head. If so, we see that the shaving of his head is not ‘that’ important, and if so, one could have thought that if one delays it, it should not be considered that he transgressed this lav.

To which the Gemara says that this is not true. That even though he doesn’t need his head to be shaved in order to drink wine if he pushes it off, he is guilty of ‘bal t’acher’ on the mitzvah of shaving his head.

The Gemara presents another way a nazir could violate the lav of ‘bal t’acher’.

Mar Zutra	מַר זוּטְרָא
the son Rav Mari said	בְּרִיהַ דְּרַב מַרִּי אָמַר
he transgresses ‘bal t’acher’	עוֹבֵר בְּבַל תֵּאַחַר
(with) his korbanos	קִרְבָּנָתָיו

After a nazir completes his nezirus he must bring korbanos, and if he delays in doing so, he will transgress ‘bal t’acher’. Mar Zutra the son of Rav Mari explains that this is the case of a nazir transgressing this lav. If a nazir does not bring his korbanos in a timely manner, he will transgress the lav of ‘bal t’acher’.

The Ran points out that according to this, the nazir only transgresses this lav if delays the bringing of his korbanos for three Regalim (Yomim Tovim), similar to other korbanos that a person only transgresses ‘bal t’acher’ if he waits for three Regalim.

The Chiddush of Nezirus

The Gemara asks:	
And from here we learn it out?	וּמִן הֵכָּא נִפְקָא לֵיהּ
(but) from over there	מֵהֵתֵם
we learn it out	נִפְקָא לֵיהּ
for (the posuk Devarim 23:22 says) “	כִּי
He will demand it”	דְּרַשׁ יִדְרָשְׁנוּ
these are the korban chatas	אֵלוֹ חֲטָאֹת
and the korban asham	וְאֲשָׁמוֹת

The pesukim in the parsha of nedarim describe how Hashem will demand that a person not delay in fulfilling his obligations. The words כִּי דְרַשׁ יִדְרָשְׁנוּ (from that parsha) are understood to be referring to the korban chatas and the korban asham that a person is obligated to bring. That is, the posuk is saying that he must bring these korbanos in a timely manner and if he does not, he will violate the lav of ‘bal t’acher’. The korbanos that a nazir must bring would seem to be included in this, and if so, why would we

need a different posuk to tell us that a nazir must not delay in bringing his korbanos?

The Gemara answers:

You might have said	מהו דתימא
It is a chiddush (novelty)	חידוש הוא
that the Torah 'said'	שחידושה תורה
with regard to nazir	בנזיר

The Gemara is proposing that since the parsha of nezirus is a chiddush (a novelty, i.e., its halachos are different than regular halachos), the halacha of bringing 'regular' korbanos don't necessarily apply to it.

And therefore, just because we know that there is an issur to delay the bringing of 'regular' korbanos, we would not necessarily know that there is an issur to delay in bringing the korbanos of a nazir as well. And if so, this is why we need an extra posuk to teach us that even with regard to the nazir's korbanos there is an obligation not to delay them past three Regalim.

The Gemara asks:

(And) what is the chiddush (novelty)	מאי חידוש
if you say	אילימא
that you cannot 'grab' it	דלא מתפיס ליה
to be a chatas nazir	לחטאת נזיר
with a neder	בנדר
but a chatas (for eating) chaylev (the forbidden fats)	הרי חטאת חלב
that you cannot 'grab' it	שאין מתפיסה
with a neder	בנדר
and (yet) one transgress with it	ועובר
'bal t'acher'	בבל תאחר

Regarding most korbanos, one can willingly obligate himself to bring them by making a neder (this is referred to as being מתפיס בנדר – lit. grabbing with a neder).

However, a person cannot just obligate himself in the korbanos of a nazir as he can only bring them if he has actually completed a nezirus. If so, we see that the korbanos of a nazir are different than other korbanos, and as such, just because other korbanos have the issur of 'bal t'acher' this would not necessarily mean that the korbanos of a nazir have this issur as well.

To which the Gemara responds and says that the chatas chaylev will disprove this. If a person eats chaylev (the forbidden fats of an animal) he must bring a chatas chaylev. i.e., a chatas for the eating of the chaylev. A person cannot voluntarily bring this korban and yet this korban is still subject to the issur of 'bal t'acher. If so, we see that this characteristic of not being able to

bring a korban of your own volition is not a reason that it should not be subject to the issur of 'bal t'acher. And as a result of this question, the Gemara is left searching for the aspect of a nazir's korbanos that is considered a chiddush that would lead someone to mistakenly think that there is no issur to delay in bringing his korbanos.

The Gemara attempts again to define the chiddush of nezirus:

Only what is its chiddush	אלא מאי חידושיה
you might have thought to say	סלקא דעתך אמינא
since	הואיל
if he says	ואם אמר
"I am a nazir"	הריני נזיר
even (if he says just)	אפילו
from a grape-seed	מן חרצון
he is a nazir	הוי נזיר
(with regard) to everything (i.e. all grape products)	לכל
(and therefore) I would say	אימא
he should not transgress	לא ליעבור עליה
the (lav) of 'bal t'acher	משום בל תאחר
this teaches us (otherwise)	קא משמע לן

A nazir is assur to eat or drink any grape product. But what happens if a person makes a proclamation that he is becoming a nazir from just grape seeds? Is this proclamation effective or not? One opinion holds that it is, and the person will become a full-fledged nazir, even though he only accepted the issur regarding grape-seeds. This is obviously a chiddush as the person's kabbalah (acceptance) causes more to happen than what he wanted. Therefore, since we see that nezirus is a chiddush, we cannot assume that the regular halachos of korbanos apply to it, and as such, we have an answer as to why we would need a special posuk to teach us that it is assur to delay the korbanos of a nazir.

But this answer leads to the obvious question:

This is understandable	הניחא
according to the one that says	למאן דאמר
when	כי
a person (proclaims himself) to be a nazir	נזיר
from (just) a grape-seed	מן חרצון
he is a nazir with regard to everything	הוי נזיר לכל
But	אלא
according to Rabbi Shimon	לרבי שמעון
that says	דאמר
one is not a nazir	אין נזיר
until he (proclaims himself) to be a nazir	עד שפינר

from everything
 what is there to say
 and furthermore
 this chiddush
 is a chumrah (stringency)

מכולן
 מאי איכא למימר
 ועוד
 האי חידוש
 לחומרא הוא

The Gemara is asking that the previous answer is difficult to understand for two reasons. Firstly, it will not work in the shita of Rebbi Shimon who holds that a person is not a nazir until he makes a neder to be a nazir from everything that a nazir is forbidden in. And secondly, we are trying to find a reason why the korbanos of a nazir should not be subject to the same halachos as other korbanos (and as such, it would need a special posuk to say that that you cannot delay them). But how could the fact that nezirus has a chumrah be a reason you should be allowed to delay them?

That is, if we find an area in which the korbanos of a nazir are more lenient than other korbanos, then we can say that just because there is an issur to delay other korbanos, this does not apply to a nazir's korbanos. But now all we have found is a way that a nazir is more chamor (stringent). If so, how could that be a reason to say that these korbanos should be more lenient than other korbanos and not be subject to the issur of delaying them?

The Gemara makes another attempt to define the chiddush of the korbanos of a nazir.

Rather what is its chiddush
 for you might have thought to say
 since

אלא מאי חידושיה
 דסלקא דעתך אמינא
 הואיל

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(Since) if he shaves (his head) **וְאִם גִּילַח**
 ‘after bringing’ one **עַל אַחַת**
 of the three (korbanos) **מִשְׁלֹשֶׁתוֹ**
 he is yotzie (fulfilled his obligation) **יָצָא**
 (we could have though that) he would not **לֹא לִיעֲבוֹר עָלָיו**
 transgress **בְּבַל תֵּאָחֵר**
 (the lav of) ‘bal t’acher’ **קָא מְשַׁמַּע לָן**
 this (i.e., the hekesh) comes to teach us (otherwise)

The Ran explains that after a nazir completes his nezirus he must bring three korbanos. He must bring a chatas, an olah, and a shelamim, and yet if he only brings one of them, he can already start to drink wine, etc. If so, we see that the chiyuv (obligation) to bring these korbanos is not so chamor (stringent), and if so, if not for the hekesh we would not know that they are subject to the lav of ‘bal t’acher’.

The Gemara brings another explanation into what the chiddush of the nazir is.

And if you want you can say **וְאִיבְעִית אִימָא**
 what is it chiddush **מֵאֵי חֲדוּשִׁיהָ**
 that it is not ‘caught’ **מִשּׁוּם דְּלֹא מִתְפִּיסוּ**
 with a neder **בְּנֶדֶר**
 and this that you had difficult **וְהָא דְקָא קְשִׁיָא לָךְ**
 from chatas chaylev **חֲטָאת חֲלָב**
 chatas chaylev **חֲטָאת חֲלָב**
 comes for a kapparah (atonement) **קִאֲתִיָא לְכַפְרָה**
 (but) a chatas nazir **חֲטָאת נָזִיר**
 for what does it come **לְמֵאֵי אֲתִיָא**

The Gemara previously suggested that the chiddush of the korbanos of a nazir is this that one cannot obligate himself to

bring them through a neder. And on this, the Gemara asked, that even if in theory this could be considered a chiddush, and as such, it could be a reason that he would not transgress the lav of ‘bal t’acher’, we see from the chatas chaylev not this way. A chatas chaylev can also not be brought through a neder, and yet, it is still subject to ‘bal t’acher’.

The Gemara now answers that we understand very well why there is ‘bal t’acher’ with regard to the chatas chaylev. A chatas chaylev is brought in order to bring a kapparah for the person who did an avayra, and if so, perhaps this is why this korban is subject to ‘bal t’acher’, its chiddush notwithstanding.

However, regarding nezirus, we do not have this reason. That is, the korbanos of nazir have the chiddush that they cannot be made through a neder, and yet there is no compelling reason that he should not be allowed to delay it. The reason the nazir has to bring the korbanos is in order to end his nezirus and not to receive a kapparah. If so, if he chooses to delay this, it could very well be that he should be allowed to do so, and as such, we need the hekesh to teach us otherwise.

And on this the Gemara asks:

But there is **וְהָרִי**
 the chatas **חֲטָאת**
 of a woman who has given birth **יּוֹלְדֵת**
 that it does not come **דְּלֹא אֲתִיָא**
 to give her a kapparah **לְכַפְרָה**
 (and yet) she transgresses on it **וְעֵבֶר עָלֶיהָ**
 because of ‘bal t’acher’²⁰ **מִשּׁוּם בַּל תֵּאָחֵר**

After a woman gives birth, she must bring a korban chatas despite the fact that she did not do an avayra and does not need a kapparah²¹. And yet, if she delays in bringing this korban, there

²⁰ Why Does the Gemara Assume that the Chatas of a Yoledes is Subject to ‘Bal t’acher’?

The Gemara asks that the chiddush of nazir cannot be a reason for its korbanos not to be subject to ‘bal t’acher’ because we find not this way with regard to the chatas of the yoledes. This korban can also not be brought with a neder and yet it is subject to ‘bal t’acher’. If so, we see that having this chiddush is not a reason to be patur from ‘bal t’acher’.

Reb Akiva Eiger asks that this question is difficult to understand. Perhaps this is indeed the case. That is, perhaps a chatas of a yoledes is also not subject to ‘bal t’acher’ because of the chiddush that it cannot be brought with a neder. In other words, the same way we are trying to determine if the korbanos of a nazir are subject to ‘bal t’acher’, we should also have this question regarding the chatas yoledes as well. Regarding a chatas yoledes we should also say that since it is a chiddush, this should be a reason it should not be subject to ‘bal t’acher’.

The Poras Yosef gives a brilliant answer. That once we find another example of this chiddush, it ceases to be a chiddush (as by definition a chiddush cannot appear more than once, see Gemara Chullin 64), and as such, there should be no reason why the korbanos of a nazir should not be subject to ‘bal t’acher’. See also the Keren Orah.

²¹ The Shita of Rebbi Shimon with regard to the Korban Chatas of a Woman Who Has Given Birth

Once we are discussing the shita of Rebbi Shimon, we will print what the Chanukas HaTorah says with regard to this, and even though this does not have much relevance to our Gemara, we bring it here in the hope that the reader will enjoy it.

The Gemara in *Niddah* (31b) relates that the students of Rav Shimon asked him, “Why does a lady who gave birth have to bring a *korban*?” Rav Shimon answered that a woman who is giving birth **hurries** and swears that she will never be with her husband again. Her intention is that she should never again have to go through the agony of childbirth. This Gemara is difficult to understand for two reasons:

1. The connotation of the Gemara is that the students specifically asked Rav Shimon this question. But why would they not ask someone else this question as well? Everyone agrees that a woman who gives birth has to bring a *korban*, as our posuk clearly tells us.

2. What does Rav Shimon mean when he says, “The woman **hurries** and swears”? What difference does it make if she hurries or not? The point is that

will be an issur of ‘bal t’acher’. If so, we see that one can transgress ‘bal t’acher’ even though there would seem to be no reason she should have to bring this korban. If so, we return to our question of why we need a hekesh to teach us that a nazir transgress ‘bal t’acher’ if he delays in bringing his korbanos? Why should the chatas of a nazir be different than the chatas of the woman who gives birth?

The Gemara answers:

That (chatas)	ההיא
allows her	קא שרײַא לה
to eat kodshim	למיכל בקדשים

The Ran explains that by this woman bringing this chatas, she becomes tahor and is therefore allowed to eat kodshim. And the eating of kodshim could be a mitzvah, for example the korban Pesach that even women must eat. Therefore, with regard to this woman, there is a reason it should be assur for her to delay the bringing of her korban and if so, we understand very well why her chatas should be subject to ‘bal t’acher’. But with regard to the nazir, since his korbanos have the kula of not being caused by a neder, and there is no reason he should have to bring his korbanos, if not for the fact that there is a hekesh, we would not know that his korbanos are subject to ‘bal t’acher’.

The Source for the Halacha that A Person Can be Mayfir his Wife’s/Daughter’s Nedarim and Nezirus

The Gemara previously brought the hekesh that said that the same way a man can be mayfer (uproot) the nedarim of his wife

she did something wrong by swearing, and therefore she has to bring her *korban*. The question if she hurried or not appears to be irrelevant.

The Chanukas HaTorah gives a remarkable answer; that indeed, the question is only on Rav Shimon and the obligation to bring the *korban* is only as a result of the woman hurrying to swear.

The Rambam (*Bechoros* 8:2) says that a woman who gives birth with a Cesarean-section can no longer have children. If that is true, it would seem logical to say that a woman who gave birth with a Cesarean-section would not have to bring a korban. The reason that she would normally bring a korban is because of the vow that she made. But she only swore in order to prevent herself from having more children. A lady who had a Cesarean cannot have more children, and therefore there would be no reason for her to swear. In such a case, she should not have to bring a korban.

Yet, we find that Rav Shimon (Niddah 40a) holds that even such a woman has to bring a korban. This is what the students could not understand. How could Rav Shimon hold that this lady has to bring a korban if the reason for the korban does not apply?

Rav Shimon answers this question beautifully. The lady has to bring a korban because she hurried to swear. What does it mean she hurried? It means that as soon as the birthing process started, even before she knew that she would need a Caesarean, she already swore, in which case even she would have to bring a korban.

²² Why Does the Gemara Not Ask this Question with regard to Yados?

Our Gemara asks regarding the necessity of the hekesh to teach us that the same way that a father/husband can be mayfer his daughter’s/wife’s nedarim,

and daughter, he can be mayfer their nezirus as well. The Gemara now discusses this hekesh.

Mar said	אמר מר
just like with regard to nedarim	ומה נדרים
a father can be mayfer	האב מיפר
his daughter’s nedarim	נדרי בתו
and a husband can be mayfer	ובעל מיפר
his wife’s nedarim	נדרי אשתו
similarly by nezirus	אף נזירות
a father can be mayfer	האב מיפר
his daughter’s nezirus	נזירות בתו
and a husband	ובעל
can be mayfer	מיפר
his wife’s nezirus	נזירות אשתו

The Gemara asks:

Why do I need a hekesh	למה לי היקשא
learn it out	תיתי
with a ‘mah matzinu’	במה מצינו
from nedarim	מנדרים

A ‘mah matzinu’ says that if we find a ‘fact’ with regard to one halacha, we can apply it to a different similar halacha. Therefore, if we find that a father/husband can be mayfer his daughter’s/wife’s nedarim, it should follow that he has the ability to be mayfer their nezirus as well, and if so, why do we need a hekesh to teach us this halacha?²²

The Gemara answers:

so too he can be mayfer her nezirus. Why do we need a hekesh if this halacha could be learned out of a ‘mah matzinu’?

The Ran explains that this question only applies to the halachos of hafarah (uprooting) but not to the halachas of yados. That is, earlier on in the Gemara, the halacha of yados for nezirus was learned from the yados of nedarim through a hekesh. But why did the Gemara not ask as it does with regard to hafarah? That why do yados need a hekesh if they could be learned out of a ‘mah matzinu’.

The Ran answers with the rule that we find throughout Shas that says אין עונשין מן הדין – ‘One cannot punish based on a ‘logical thought’. That is, we cannot learn a halacha that involves punishment from a ‘mah matzinu’, kal v’chomer’ etc.

Therefore, with regard to yados, where the question revolves around when the person’s words create a neder or nazir, one needs a hekesh and cannot rely on a ‘mah matzinu’. This is because once a person makes a neder or becomes a nazir, if he violates it, he will be punished with malkus. Therefore, yados (which creates a situation in which the person can be punished because of them) cannot be learned from a ‘mah matzinu’ and would need a hekesh.

The parsha of hafarah, however, does not involve punishment, and as such, it can be learned with a ‘mah matzinu’ and if so the Gemara questions why we need a hekesh to teach us this halacha.

Maybe	דילמא
with regard to nedarim	גבי נדרים
this that he can be mayfer	הוא דמיפר
is because	משום
it does not have an end	דלא אית ליה קיצותא
but with regard to nezirus	אבל גבי נזירות
that it does have an end	דאית ליה קיצותא
as a 'stam' typical nezirus	דסתם נזירות
is thirty days	שלשים יום
I would say no (the father can't be mayfer)	אימא לא
this comes to teach us (otherwise)	קא משמע לן

The Ran explains that one could have thought that since nedarim do not have an end, that is why a father/husband can be mayfer her neder in order that the daughter/wife should not live in his house in pain (from the neder) indefinitely. And one could have thought that this reason does not apply to nezirus as the typical nezirus is thirty days. As such, we need the hekesh to teach us otherwise, that the father/husband can even be mayfer his daughter's/wife's nezirus, despite the fact that it only lasts for a set amount of time.

What Qualifies as a Yad to a Neder (the yados of our Mishna)?

The next Gemara will be discussing the halachos of yados (incomplete nedarim, see Mishna where the concept of yados is explained at length). In order to understand this Gemara, we need a quick introduction. Later on, the Gemara will describe two types of yados:

יָדִים מוֹכִיחוֹת 'Clear Yados': These are yados with which the intent of them is clear, that is, although it is possible that he meant something besides for the obvious intent of these words, this possibility is considered farfetched.

יָדִים שְׂאִינָן מוֹכִיחוֹת 'Unclear Yados': These are yados with which their intent is not so clear, that is, although we can tell what is most probably his intent with these words, the other possibilities are reasonable ones.

There is a machlokes Tannaim and Amoraim if 'unclear yados' can create a neder or if 'clear yados' are needed. This will be the subject of the next Gemara.

The Mishna said:

One who says	האומר
to his friend	לחבירו
I am in a state of neder regarding you"	מוֹדֵר אֲנִי וְכוּ'

Shmuel said	אמר שמואל
in all of them	בכולן
(they are not effective) until he says	עד שיאמר
"that I will eat from yours"	שאני אוכל לך
(or) "that I will taste from yours"	שאני טועם לך

The Mishna listed different cases of yados. They are "I am in a state of neder regarding you", "I am separated from you", "I am distanced from you". The Ran explains that Shmuel is now saying that if a person would say one of these expressions everyone would agree that they are not effective as these are not even considered as 'unclear yados'. These expressions do not mention forbidding benefit at all, and as such, they cannot be considered as yados

Therefore, Shmuel holds that when the Mishna said that these expressions do work, the intention of the Mishna is to say they work but only if they are said together with either "that I will eat from you" or "that I will taste from you". By adding these words to one of these expressions we know what the person is trying to accomplish, and as such, it can serve as a yad.

The Gemara asks that we see not like this from the following Baraisa:

They asked from a Baraisa	מיתבי
(if a person says) "I am in a 'neder' state	מוֹדֵר אֲנִי
from you	ממך
(or if he says) "I am	מופך שני
separated from you"	ממך
(or if he says) "I'm distanced from you"	מרוחקני ממך
(in all of these cases) this is assur	הרי זה אסור
"That I will eat of yours"	שאני אוכל לך
"That I will taste of yours"	שאני טועם לך
this is assur	הרי זה אסור

From these cases we see that each of the first three expressions is considered as a yad independently (without the need to finish off with one of the last two expressions), which is not as Shmuel said. We see this from the fact that after the Baraisa mentions the first three expressions, the Baraisa says that they are assur. This indicates that these first three expressions stand by themselves and when the Baraisa continues, it is continuing with separate cases.

The Gemara answers:

This is how you should learn the Baraisa	הכי קתני
when was this said	במה דברים אמורים
when he (also) said	באומר
"that I will eat of yours"	שאני אוכל לך

(or) “that I will taste of yours”

שְׁאַנִי טוּעַם לָךְ

The Gemara answers that indeed that second half of the Baraisa is a continuation of the first half. And the Baraisa means to say that these three expressions are assur. But when are they assur? Only if you add one of these two phrases (i.e., “that I will eat from you etc.).

If you learn the Baraisa this way, it comes out it is saying exactly like Shmuel’s shita, that the first three phrases of the Mishna are only effective if you add one of the last two phrases.

The Gemara now asks from a different Baraisa:

But we learned in a Baraisa
the opposite (order of cases)

וְהִתְנִיף

אִיפְכָא

“that I will eat of yours”

שְׁאַנִי אוֹכֵל לָךְ

”that I will taste of yours”

שְׁאַנִי טוּעַם לָךְ

it is assur

אָסוּר

“I am in a state of neder regarding you”

מוֹדְרְנִי מִמֶּךָ

“I am separated from you”

וּמוֹפְרָשְׁנִי מִמֶּךָ

“I am distanced from you”

מְרוֹחֲקֵנִי מִמֶּךָ

these are assur

הֲרִי זֶה אָסוּר

In this Baraisa, ‘the three expressions’ are mentioned last, and if so, we cannot answer as we did before. We cannot say that the Baraisa means to say that they only work if you add one of the two expressions onto them. That is, this Baraisa first says that the first two expressions work, and then it says that these three expressions. If so, we see clearly that the intent of the Baraisa is to say that these three expressions work independently of the first two, i.e., the Baraisa says not like the shita of Shmuel.

The Gemara answers:

Learn (the Baraisa) this way
and he already said

תְּנִי הַכִּי

יְכַבֵּר אָמַר

“I am in a ‘neder’ state”

מוֹדְרְנִי

The Gemara is answering that when the Baraisa at first lists the two expressions of “I will eat from you”, and “I will taste from you”, the Baraisa does not mean to say that these are expressions that stand by themselves rather the intent of the Baraisa is to say that these two expressions work if you had already said the next three expressions. Or in other words, this is the shita of Shmuel,

that the three expressions work but only in conjunction with one of the two.

But on this the Gemara asks:

If so

אִי הַכִּי

this is the beginning case

הֵינִי רִישָׁא

According to this answer, the second Baraisa is also saying that these three expressions are only effective if they are said in conjunction with the words “That I will eat of yours”, or “I will taste of yours.” But if so, this is the exact same case as the first Baraisa that we quoted, and this cannot be as the Mishna would not teach an halacha that we already know.²³

The Gemara further asks:

And furthermore

וְעוּד

(the two times the Baraisa says) assur

אָסוּר אָסוּר

why does it need to teach it

לְמַה לִּיהָ לְמַתְנִי

According to the earlier explanations of both Baraisos, in each Baraisa there is only one group of cases, i.e., the group of three expressions (מְרוֹחֲקֵנִי מִמֶּךָ וּמוֹפְרָשְׁנִי מִמֶּךָ מוֹדְרְנִי מִמֶּךָ), are connected to the two expressions (שְׁאַנִי טוּעַם לָךְ שְׁאַנִי אוֹכֵל לָךְ).

But both the Baraisos state the word assur twice. In each Baraisa it says assur after the two cases and it says assur after the three cases. This which would seem to imply that indeed these are two separate groups of cases (i.e., the group of מוֹדְרְנִי מִמֶּךָ, מְרוֹחֲקֵנִי מִמֶּךָ וּמוֹפְרָשְׁנִי מִמֶּךָ, stands independently without the need to say anything else). And if so, we are left with the question that seemingly the Baraisos are saying not like the shita of Shmuel.

The Various Possibilities to Explain Shmuel’s Shita

The Gemara answers by changing what Shmuel said:

Rather Shmuel said

אָלֵא אָמַר שְׁמוּאֵל

(it is for) the reason

טַעְמָא

that he said

דְּאָמַר

“That I will eat from you”

שְׁאַנִי אוֹכֵל לָךְ

“that I will taste from you”

שְׁאַנִי טוּעַם לָךְ

that he is assur

הוּא דְאָסוּר

and his friend is mutur

וְחֵבִירוֹ מוֹתֵר

23 Why is the First Baraisa Called the רִישָׁא ?

The Ran explains that although the term רִישָׁא typically refers to the first part of a particular Mishna or Baraisa, here the Gemara is calling the first Baraisa the

רִישָׁא of the second Baraisa. The reason this is done is because the first Baraisa comes right before the second Baraisa, and therefore, in a sense it is its רִישָׁא.