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Nazir Daf 20

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Nazir Outside Eretz Yisroel

[The Mishna had stated: Someone vowed a long term of nezirus, finished them, and then arrived in Eretz Yisroel. Beis Shammai says that he must do one more period of nezirus, while Beis Hillel maintain that he must start the nezirus all over again.]

Perhaps the following is the explanation of their dispute: Beis Shammai hold that it was only the ground (*but not the air*) of the lands of the nations that was decreed to be *tamei* (*the sages issued a decree that land belonging to non-Jews was considered tamei because of unmarked graves; the issue at hand is in regard to the severity of this decree; if only the ground was decreed to be tamei, but not the air, this indicates that there is room for leniency, and that is why Beis Shammai would hold that the nazir is only required to observe nezirus for thirty more days, and not his full term*). Beis Hillel would hold that the air was also decreed to be *tamei*.

The *Gemora* rejects this interpretation: Everyone would agree that only the ground was decreed to be *tamei*. Beis Shammai hold that we penalize someone who declared to be a *nazir* outside of *Eretz Yisroel* with the observance of a standard term of *nezirus*, whereas Beis Hillel maintain that we penalize him with the full term of his *nezirus*. (19b – 20a)

Queen Helena

The *Mishna* had stated: There was an incident with Queen Helena whose son had gone to battle. She vowed that if her son came back from battle intact, she would be a *nezirah* for seven years. He came back, and she indeed was a *nezirah* for seven years. At the end of the seven years she went to *Eretz Yisroel*. Beis Hillel ruled that she should remain a *nezirah* for another seven years. At the end of those seven years she became *tamei*, meaning that she ended up being a *nezirah* for twenty-one years. Rabbi Yehudah said: She was a *nezirah* for only fourteen years.

The *Gemora* inquired: What transpired according to Rabbi Yehudah? Did she observe her seven years outside of *Eretz Yisroel*, arrive in *Eretz Yisroel* and observe a thirty-day term of *nezirus* in accordance with Beis Shammai, became *tamei’ah* at the end of this term, and she therefore was required to observe another seven years of *nezirus* (*since the thirty days is regarded as an extension of her original nezirus*)? Or perhaps, she did not become *tamei’ah* at all, and she observed fourteen years of *nezirus* based upon the opinion of Beis Hillel (*and when she arrived in Eretz Yisroel, she was required to observe the full term of her original nezirus*).

The *Gemora* attempts to resolve this inquiry from our *Mishna*: At the end of the seven years she went to *Eretz Yisroel*. Beis Hillel ruled that she should remain a *nezirah* for another seven years. At the end of those seven years she became *tamei*. Now if you would think that she became *temei'ah* at the end of the thirty-day term following the opinion of Beis Shammai, Rabbi Yehudah should have said that she was ultimately a *nezirah* for fourteen years plus thirty days (*why did he only say fourteen years?*)! (*This proves that the second version is correct, and according to Rabbi Yehudah, she did not become temei'ah at all.*)

The *Gemora* cites a *braisa* supporting this: Rabbi Yehudah said in the name of Rabbi Eliezer: It is written: *And this is the law of the nazir on the day when he concludes his nezirus*. Thus the Torah expressly declares that if he becomes *tamei* on the last day of his *nezirus* term, the law of an ordinary *nazir* is to be applied to him (*he should be a nazir for thirty days*). (*If she would have become temei'ah on the last day of the thirty-day term of nezirus, she would have only been required to observe another thirty days; since Rabbi Yehudah said that she was a nezirah for fourteen years, it is clearly evident that he is following Beis Hillel's opinion.*) (20a)

Mishna

If one set of witnesses testified that a person declared two periods of *nezirus*, and another set testified that he declared five periods of *nezirus* (*and the person denied making any declaration*), Beis Shammai said: The testimonies are contradictory,

and there is no *nezirus* here. Beis Hillel said: Since two is included in five, he is a *nazir* for two periods. (20a)

Contradictory Witnesses

The *Gemora* states: The *Mishna* does not follow the opinion of the following *Tanna*: For we learned in a *braisa*: Rabbi Yishmael the son of Rabbi Yochanan ben Berokah said: Beis Shammai and Beis Hillel did not argue in a case where one set of witnesses testified that a person declared two periods of *nezirus*, and another set testified that he declared five periods of *nezirus*, for they both would hold that since two is included in five, he is a *nazir* for two periods. They argue in the following case: There was only one set of witnesses. One of the witnesses testified that a person declared two periods of *nezirus*, and the other one testified that he declared five periods of *nezirus*. Beis Shammai said: The witnesses are contradicting each other (*and we assume that one witness is certainly lying*), and there is no *nezirus* here. Beis Hillel said: Since two is included in five, he is a *nazir* for two periods.

Rav said: Beis Hillel would agree in a case where the witness counted (*that there is no nezirus here*).

The *Gemora* clarifies Rav's qualifying ruling: Rav Chama said to Rav Chisda: What did Rav mean? If the case is that one witness testified that he declared five periods of *nezirus*, and not two, and the other testified that he declared two periods of *nezirus*, and not five, they are contradicting each other (*and Rav would not need to teach us the halacha in this case*)! Rather, this is the case that Rav is discussing: One of

the witnesses testified that the person declared one, two periods of *nezirus* (that was his vow), and the other one testified that he declared three, four, five periods of *nezirus*. (Rav ruled that the logic of “two is included in five” does not apply when he counted out the days in such a manner, for by saying, “three, four, five”, he is obviously excluding two; even Beis Hillel would agree that there is no *nezirus* here.)

Rav Chama asked: Why should the witness be required to say “one and two”? If he said the stricter numbers, certainly the more lenient numbers are included!

They said in *Eretz Yisroel*: There is no contradiction in the case where the witnesses counted (and the person would be required to observe two periods of *nezirus*). (20a – 20b)

WE SHALL RETURN TO YOU, MI SHE'AMAR

Mishna

If one declared, “I am hereby a *nazir*,” and his friend heard him and said, “And I,” and a third person heard and said, “And I,” they are all *nezirim*. If the first one is released from his vow, they are all released (since their vow was dependent upon his). If the last one is released from his vow, he is permitted, but their *nezirus* remains intact.

If one declared, “I am hereby a *nazir*,” and his friend heard him and said, “My mouth is like his mouth,” or “My hair is like his hair,” he is also a *nazir*.

If a man declared, “I am hereby a *nazir*,” and his wife heard him and said, “And I,” he may revoke her vow, but his vow remains intact.

If a woman said, “Behold, I am a *nezirah*,” and upon hearing this, her husband said, “And I,” he cannot revoke her *nezirus* (for his statement of “and I” is in effect, a confirmation of her *neder*, for if she is not a *nazir*, he can't be either).

If a man said, “I am hereby a *nazir*; and you?” and his wife replied, “Amen,” he may revoke her vow, but his vow remains intact.

If a woman said, “Behold, I am a *nezirah*, and you?” and her husband replied, “Amen,” he cannot revoke her *nezirus*. (20b)

Rish Lakish was sitting in front of Rabbi Yehudah Nesiah, and he said: The *Mishna's* ruling is only applicable in a case where each one of them said, “And I” within the period of an utterance. How long is that? It is the amount of time it would take a person to give a greeting. And how long is that? It is the amount of time it would take a student to give a greeting to his teacher (to say: *shalom alecha, Rebbe*). (According to Rish Lakish, only three people would be able to link their *nezirus* to the first one, for a fourth person would be after the time it takes to utter an utterance.)

Rabbi Yehudah Nesiah objected and said to him: You have not left any room for a student (if immediately after hearing someone else declare *nezirus*, he would see his teacher and greet him, he would not be able



to link his nezirus to the first person; therefore, Rish Lakish rules that he has one moment longer, and if he would declare his nezirus immediately after the three-word period of time, it would be regarded as if it was within the time; accordingly, Rabbi Yehudah Nesiah holds that four people could link their nezirus to the first person).

The Gemora cites a braisa supporting Rish Lakish: If someone declared, "I am hereby a nazir," and his friend heard and waited the period of time it takes for an utterance, and then he declared, "And I," the first person is a nazir, but the second one is not. And how long is the period of an utterance? It is the amount of time it would take a student to give a greeting to his teacher. (20b – 21a)

INSIGHTS TO THE DAF

Silence as an Admission

If one set of witnesses testified that a person declared two periods of nezirus, and another set testified that he declared five periods of nezirus, Beis Shammai said: The testimonies are contradictory, and there is no nezirus here. Beis Hillel said: Since two is included in five, he is a nazir for two periods.

The Rishonim ask: Why don't we say that he should be a nazir because his silence should be regarded as an admission, and he should be obligated to observe five terms of nezirus?

The Rosh answers: The Mishna is referring to a case where the person denied making any declaration of nezirus. Since he is not admitting to any nezirus and the witnesses are contradicting each other, Beis Shammai rules that he is not a nazir.

Another answer offered is that our Mishna is referring to a case where both sets of witnesses testified together. Since they contradicted each other, his silence is not considered an admission, for he doesn't have to contradict them.

Linkage

If one declared, "I am hereby a nazir," and his friend heard him and said, "And I," and a third person heard and said, "And I," they are all nezirim.

The Rosh says that this linkage only works with respect to a *neder*, but not with respect to an oath. If someone would swear, "I will not eat this loaf," and he then would swear that a second loaf should be like the first, the second loaf will not be forbidden to him. The reason, he explains is because a *neder* takes effect upon the object. Therefore, when he links a second object to the first, the second is also forbidden to him. An oath, however, does not work in this manner. It is the person who is prohibiting himself from the object. The object is not affected at all. Therefore, if someone would link a second object to the first, it will not take effect.