

Nazir

2a1 through 34a3

To become a Nazir, a person must make a vow to do so. Therefore, this tractate follows that of the tractate 'Nedarim', "vows". A Nazir accepts a formula of restrictions and obligations by vowing to become a Nazir. This vow is, therefore, different from other vows where the person specifies, i.e., I will not eat... or accept benefit from...etc.

There are 8 negative commandments (202-209) and 2 positives (92-93) relating to the Nazir (See Rambam Hilchos Nezirus Sefer HaMitvos). All relate to three things: grape products and their use, hair, and becoming tamei from a dead body.

The neder (vow) of Nezirus shares the basic characteristics of other vows. It is voluntarily undertaken, must be done by verbal declaration, may be annulled by a sage or a panel of three or by a husband or father (in the case of a woman).

However, a neder of Nezirus is different from other vows, in that it obligates the declarer to abide by a specific set of regulations and for a minimum of 30 days and then undergo a concluding ritual.

Declare - Clearly or with words of implied intent that may be ambiguous (will be explored).

Nullification is possible - By a sage or three person panel.  
- By husband or father.

Grounds for nullification

1. Regret.
- (Retroactive) 2. An opening, i.e., the consequences of a vow was not realized at the time of its declaration.
3. Vow impinges on marital relationship (husband or father can nullify).
4. Vow causes her deprivation (father or husband can nullify).

Whether the nullification is retroactive, or only from that time forward, is debated (21b – 22a).

Duration of Nezirus

1. Minimum of 30 days - If not specified, it is a standard 30 days, at the end of which there are rituals.  
-If he does not do the rituals, he remains a Nazir.
2. Lifelong Nazir:
  - Nazir Olom - A permanent Nazir. He may cut his hair.
  - Nazir L'olom - For such a long time, that it will be longer than his lifetime.  
May not cut his hair, ever.
3. Nazir Shimshon - Life long, never cut hair, never drink wine, but may be contaminated with a corpse. This form of Nezirus can never be annulled!!

## The Nazir prohibitions:

Cutting hair – Forbidden to shave or cut the hair of his head. May not even pull out one hair.

Grape – Products, or any intoxicating beverage, must be avoided.

Tumah – This is unique concept. It is a Torah legal concept and has no true secular equivalent.

Purity - Is present when a person has avoided contact with those things the Torah defines as impure and contaminating for a Nazir. Tumah impurity occurs from contact with a dead human body, or with a Metzora, or a man experiencing an unnatural seminal flow.

Transmission of Tumah – (to people, utensils and food).

1. By touching.
2. By carrying it, even if you don't touch it. For example, it is in a box or suspended by a rope.
3. By being in the same room, under the same roof. Tumah is transmitted even though there is not even any indirect contact, physically, between them.

Purification –

1. Stop contact or condition ceases.
2. Mikvah.
3. Period of time (7 days for touching a corpse) .
4. Be sprinkled on 3rd and 7<sup>th</sup> day with water, in which the ashes of the Red Cow have been mixed (Bamidbar Ch:19).

Nazir – Prohibited regarding the corpse, otherwise, is the same as other people.

If a Nazir becomes contaminated by accident:

He must:

1. Start the period of Nezirus all over again and shave his head.
2. Undergo 7 days of purification.
3. Offer sacrifices on day 3 and 7 of his purification period.

(If he gets contaminated on purpose – lashes are his punishment.)

Concluding Ritual:

-Shave his head and offer a set of three sacrifices.

He is not released from his vow until he does so.

Jewish men may not shave the corners of their heads (Lev 19:27), i.e., the hair along the temple down to the hinge of the jaw (Yoreh Deah 181:9).

However, the Nazir is commanded to shave all his hair including the (Payos) “corners”.

The positive commandment for a Nazir to shave (Num 6:9, 18), supersedes the negative command not to shave the corners of the head (+ supersedes -).

However, if there is a doubt as to whether the person is actually a Nazir or actually became tame the positive commandment does not supersede and shaving the corners (for a man) cannot be done.

A woman can shave her head.

Sacrifices (See Num 6:10)

- Male lamb - for an Olah offering
- Female lamb - for a Chatas offering
- Ram - for a Shlamim offering

Virtue of Nezirus - The assumption is that it is sinful to abstain from permissible things.

- We frown on vows and we frown on people choosing to be a Nazir. The vow of Nezirus is included among, “The vows of the wicked”. Yet also, among the vows of the scrupulous (Rambam) (Nedarim 91).
- It may be as penance for not adhering to proper behavior. A person swears to change and imposes the state of Nezirus to force himself to change. It is better to adhere to proper behavior and you won’t have to think of doing penance. This is done out of fear, or hiding from one’s yetzer hara.
- If it is for positive motives; to elevate oneself spiritually, it is praiseworthy and admirable, but not necessary.

## כל כינויי נזירות כנזירות

All equivalent terms for Nezirus, are effective (in creating the state of) ‘Nezirus’.

Discusses various verbal declarative statements that are effective in creating the state of Nezirus.

The Mishnah is divided into six orders. (See Num #9):

Zeraim (plants), Moed (festivals), Nashim (women), Nezikin (damages), Kodashim (sacred things) and Tohoros (ritual purity).

The order Nashim, contains Yevamos, Kesubos, Nedarim, Nazir, Sotah, Gittin, Kiddushin. Why is Nedarim put in this tractate? Because the vows are mostly devoted to vows made by women (Num Chapter 30).

Why is tractate Nazir associated with this order of the Mishnah?

Because the sin of adultery, the main cause of divorce, is caused by wine (in most cases) and causes the woman to be a Sotah. Wine is associated with the state of Nezirus.

כָּל הָרוֹאֶה סוֹטָה בְּקִלְקוּלָהּ יִזְיֵר עֲצָמוֹ מִן הַיַּיִן .

Anyone who sees the disgrace of the Sotah, will abstain from wine.

It is assumed that her state of self destruction, by her illicit conduct, is caused by an irresistible urge, such as to drink wine.

An onlooker, seeing this, is likely to develop an abhorrence to wine, as well as other uncontrollable urges, and to take upon himself a promise to avoid such urges. Thereby, he becomes a stronger person.

This is often the stimulus, or urge, that causes someone to become a Nazir.

Other reasons: To be more holy. To climb to sublime heights. To prove he is a complete man. When a man declares himself a Nazir, he is not merely escaping from his yetzer hara, he must also avoid the stem and seeds of the grapes and can't cut his hair.

This is similar to a designated Korban, which cannot be sheared.

„זֶה אֱלֹהֵי וְאֲנֹהוּ" אֲנֶאֱהָ לְפָנָיו בְּמִצְוֹת

“This is my God and I will beautify him”, means, ‘I will beautify myself before him with my fulfillment of the Mitzvahs’.

‘Hiddur Mitzvah’- ‘Beautifying the Mitzvah’.

Some are biblically mandated, i.e., writing a Sefer Torah; getting the best lulav or esrog. There are other Mitzvahs which are not essential to beautify them.

What is the requirement? This is debated (Example 2 opinions):

Esrog #1-If you bought a fully acceptable esrog, but see a more beautiful one or larger one, you are required to exchange it for the better one (up to an additional 1/3 value).

Esrog #2- You have to choose. ‘Hiddur Mitzvah’ requires you to buy the better one up to 1/3 more price. But if you already bought one, you are not obligated to exchange it.

## הָרִינִי נָזִיר מִן הַחֶרְצָנִים

I am already a Nazir from grape seeds.

If a person mentions only one of the items prohibited to a Nazir, he is, nonetheless, a full fledged Nazir. He does not have to mention each and every one of them, unless he makes it unambiguous.

R Shimon argues - No. The Torah specifies and so must a person wishing to become a Nazir. He can say, “I become a Nazir”, or he can say, “I hereby curl my hair” but mention no other detail.

This makes him a Nazir for any detail, other than what he declared.

Num 6:4 -Grapevine (specifies seeds to skin).

6:3 -New wine, old wine, vinegar, moist grapes or dried grapes.

6:4-7 -Haircutting and Tumah.

Optional wine:

Mitzvah wine – for Kiddush and Havdalah.

הָרִי מוֹשְׁבֶּעַ וְעוֹמֵד עָלָיו מֵהָר סִינַי

He is under permanent oath from Mt. Sinai.

Remember the Shabbos to keep it holy.

How do we keep Shabbos holy? Pesachim (106a) states, “By making Kiddush over wine”. The obligation to say a blessing, declaring the Shabbos holy, is unquestionably of Torah origin, but is wine required, or is that aspect, only of Rabbinic origin?

This is debated to determine if a Nazir is forbidden only to drink wine, but is also forbidden to drink Kiddush wine.

Rashi says - Vow of Nezirus does not include Kiddush wine.

Tosophos says - Vow of Nezirus does include Kiddush wine. Wine is only of Rabbinic origin and is, therefore, not permitted to the Nazir.

A person can make Kiddush over bread, if wine is not available.

הָרִינִי כְּשָׁמְשׁוֹן

“I am hereby, like Samson”.

A Samsonian Nazir is created by any of these declarations, but also must state, “I am like Samson, the son of Manoach.....”, so we know it could not be referring to some other Samson.

מה בין נזיר עולם לנזיר שמשון

What is the difference between a permanent Nazir and a Samsonian Nazir?

A permanent Nazir:

- May trim his hair lightly.
- If he become tamei,  
he brings a sacrifice.

A Samsonian Nazir:

- May not trim his hair.
- Does not bring a sacrifice for tumah.
- Is not prohibited from contact with the dead.

וְשִׁמְשׁוֹן לֹא נָזִיר הָיָה

### And was Samson not a Nazir?

Was Samson a Nazir from a ‘human vow’? Usually a person chooses to become a Nazir to improve himself. In the case of Samson, his father Manoach declared his son would be a Nazir, as soon as he would be born.

1. We learn that a father can declare his son to be a Nazir (28b).
2. He was commanded to do so by an angel and therefore, Samson’s Nezirus is not the product of any human declaration, but by an Angel’s.
3. A Samsonian Nazir can contract tumah from a human corpse, because Samson did so. Did he really? Yes, he smote a thousand men with the jawbone of an ass” (Judges 15:16)” .
4. Perhaps he threw the bone at them and did not touch them? And because they were enemies, even a standard Nazir is permitted to become tamei under such circumstances; to save his life.
5. Or perhaps, Samson smote them and they were in the throes of death, a state called ‘Goses’ and not yet conveying tumah. A ‘Goses’, at the hand of man, is more viable than a ‘Goses’, at the hand of Heaven and therefore, perhaps Samson did not become tamei!!

וּמִנָּלָן דְּאִיטְמִי לְמַתִּים

Where in the Torah do we learn that (Samson) became tamei from the dead?

What happens if you kill a person who has a transplanted heart?

This discussion is brought to bear on the topic of heart transplant. A person who kills a ‘Goses’ is culpable of committing murder. The residual longevity has been killed; the entire life of the victim.

A person who kills a triefah (a person or animal, who suffers the loss or perforation of certain organs). Being a triefah can be due to a congenital anomaly or the result of trauma. To kill such a person or animal is not considered to have performed a capital homicide. A recipient of a transplanted heart is not moribund and therefore, is not a ‘Goses’. However, he has ‘a perforation’ or ‘loss of his heart’ and is therefore, a triefah. He had removal of a vital organ.

Since he is a triefah, killing a triefah is not a capital homicide.

To be a triefah, physicians must declare that there is no cure by human agency and that he would die of it.

Someday, recipients of transplanted hearts may no longer be considered a triefah and killing a recipient would be considered a capital murder.



The standard period of Nezirus is 30 days.

This tells us the standard period of Nezirus is 30 days. This is derived from, “holy he shall be” (Numbers 6:5).

The numerical value of ‘Yihiyeh’ is thirty. Yud-10, heh-5, yud-10, heh-5 = 30.  
Holy for thirty. The minimum Nazarite period is thirty days.

#### 5 a3 Line 38 A23

A second method by which we can learn that the standard period is 30 days, is the fact that the word Nazir or Nezirus is mentioned 29 times (in Num Chapter 6).

## כנגד נזיר נזרו האמורים בתורה

Corresponds to the words Nazir and Nizro, as mentioned in the Torah.

Gematria – Is not one of the hermeneutical principles by which the laws can be derived from the Torah and is not preferred by the Rabbis. Therefore, other methods, such as Bar Pada's, are sought.

However, Bar Pada's system of learning the rule of 30 days, by counting the number of times Nazir is mentioned, is also not one of the hermeneutical rules and it is especially flawed in that:

1. It does not even add up to 30 but only 29.
2. Some of the times the word Nazir is mentioned, it is used to learn other laws, such as (Num 6:3), "He is to abstain as a Nazir from new wine and aged wine".

We use this phrase to forbid Mitzvah wine, as well as, optional wine. Therefore, we don't have 30 iterations of the word Nazir, by which to learn '30 days'.

לְעוֹלָם לֹא אֶמְרִינָן מִקְצֵת הַיּוֹם כְּכוֹל

We never say that half a day is like a full day.

Rav Masna says- “The standard term for a Nazir is 30 days”.

The last day may be abridged, since part of the day can count for the full day. For example, the end of the mourning period.

Bar Pada says- No, the standard term for a Nazir is 29 days and you can’t use part of a day as a full day.

The Mishnah (on page 16a) states- “That if a person accepts two consecutive terms of Nezirus on himself, he can shave on day 30 and on day 59 and he has fulfilled his obligation”.

Each Rabbi is able to explain the Mishnah (on 16a) according to his own interpretation.

הָרִי הוּא אוֹמֵר: „עַד מְלֵאת הַיָּמִים”

Behold it says, “Until the completion of the days”.

That seems to be the time needed to change habits. For example, as the seasons change, we rely on the fact that one’s habits change.

One is considered a member of a new city after living there for 30 days.

A person becomes a Nazir to change his life and elevate his spirituality.

The Torah states, “He will be holy”, using the future tense. How much in the future?

Answer: The gematria of the word ‘Yihiyeh’, “will be” = 30. This tells us – in 30 days.

The period of months is 29½ days and therefore, some months are 29 and others are 30 days long.

R Yoshiyah - 30 days.

R Yonasan - 29 days, “until the 30<sup>th</sup> day”, until but not including (Num 6:5 V11).

In the Jewish year, we count by months, not by days.

**הִרִי הוּא אוֹמֵר: „עַד מְלֵאת הַיָּמִים”**

Behold it says, “Until the completion of the days”.

The Chafetz Chaim notes that this rule of 30 days is based on a Gematria, a numerical hint in the letters ‘yud-heh-yud-heh’. A simple didactic detail based on a Gematria, generated several pages of discussion in the Gemara. How much more so, must we pay attention to every word and sentence in the Torah, to learn the lessons contained within them.

אֶפִּילוּ מִכָּאן וְעַד סוֹף הָעוֹלָם

Even from here, until the end of the world.

Even if a man makes a vow to become a Nazir from, “Here to the end of the earth”, he is only obligated to follow the rules of the Nazir for 30 days.

If he says, “I will observe Nezirus, like the hairs on my head”. He is obligated to repeatedly observe 30 day periods.

If he makes a vow to be a Nazir from 100 or 1000 years, he observes one long period of Nezirus for the rest of his lifetime.

Why the difference?

Hairs are seen as separate units. ‘End of the earth’ is an indeterminate time frame.

Therefore, it is judged to be one term of Nezirus, of days in a continuum.

But days are separate units, “It was evening and it was morning, one day” (Bereshis 1:8).

That posuk was to teach us that the day begins at night and should not be used to teach us that days are separate from each other.

In fact, wherever it is day in one part of the world, it is night elsewhere. So there is no real separation of day and night.

הֵתֵם לֹא דְמַפְסְקֵי מִהֲדָרֵי הוּא

There, it is not indicating that days are separated from each other.

Consider the character of the movement of time. If one starts a fast in Israel and flies to the U.S, the 24 hour fast is over in Israel, but there are still 7 hours of fasting to be observed in America.

When does this fast end?

Where the person is now? - No

Where he started his fast? - Yes

- When a person starts a fast, he does so for a specific unit of time. A ‘day’ fast includes the day and the night. The day fast time is not measured in hours, but in units of the day.
- This is the same concerning a Nazir. If he says, “I am a Nazir from now”, and does not specify a term, we assign a specific term, 30 days.

## בֵּית עָגוּל דִּיגוֹן טְרִיגוֹן פּוֹנְטִיגוֹן אִינוּ מְטַמָּא

A round house, a 2, 3, or 5 walled house cannot contract Tzaraas,

and therefore, can't become tamei through Tzaraas. However, a 4 walled house can become tamei.

Because the posuk (Lev 14:39 and 14:37), in which the word “walls” is used, means a minimum of 2 walls. Since it uses that term twice, the double occurrence of the term, “walls”, indicates a total of 4 walls. This teaches us that the law of Tzaraas and houses, applies only to a 4 walled, i.e., a 4 cornered house.

הריני נזיר מן הגרוגרות ומן הדבילה

“I am hereby a Nazir, from dried figs or from pressed figs”.

Bais Shammai says, “He is a Nazir”. We look to his original words. A person does not make a declaration for nothing, and even though the complete statement is meaningless, there is no such thing as Nezirus from figs. This statement contains an “opening” for annulment by a sage. There is no annulment of the vow of Nezirus or of Hekdesh.

Bais Hillel says, “He is not a Nazir”. A person is bound by his concluding words. Since a person does not make a meaningless statement, we must make the statement meaningful. It seems clear he meant to make a Neder declaration to prevent his eating of figs only and not a Nezirus declaration.

## אָמַר אֶמְרָה פָּרָה זוּ

A person said, “This cow said,

“I am a Nazir, if I get up”; or This door said, “I am a Nazir, if I open it”.

Bais Shammai - If the cow gets up or the door opens, he (the person) is a Nazir.

Bais Hillel - No, he is not a Nazir. There is no Nezirus from meat or a door. However, it might be interpreted as a vow, not to use the meat or door, if the condition is fulfilled.

We are interpreting this story, thusly: The person sees the stubborn cow or door and ascribes to it the intention not to move (as though it had vowed not to move), by saying, ‘If I move, I accept serious consequences.’ The person is equally as adamant that he will overcome these stubborn attitudes and says, “If I don’t succeed in moving them, I will become a Nazir”.

Or, he thinks the cow wants to get up or the door wants open and if they succeed, they will become a Nazir. He wants them to succeed and makes a similar promise.

## אָמַר אֶמְרָה פְּרָה זֶו

A person said, “This cow said....”

“If this occurs, than I will.....”

Bail: A person puts up bail and assumes that his friend will show up in court. If the friend skips and does not show up in court, does the friend forfeit his money?

Why not? - He made the arrangement with the expectation that his criminal friend would show up and he would not have to pay.

This is an ‘asmachtah’, “a conditional commitment” and should not be considered binding.

The bail money is owed to the community and as such, is a form of Hekdesh. There is no asmachtah and no annulment of an obligation to Hekdesh. Therefore, he must pay.

וְאִם שִׁכּוֹר הוּא

If a person was a drunk.

Obviously, he had a problem with wine.

This is a reason to become a Nazir; to make a vow, which will strengthen yourself to keep your intention to escape the fatal addiction of excess use of alcohol.

Yet, if he is drunk when he makes the declaration, is he bound by it?

No. - Such a vow by a drunk is considered only a promise, a 'neder', and only for that cup of wine.

## אם היו פקחים

If they are clever.

Two paupers realized that it is a great Mitzvah to give Tzedakah. However, they were too poor to ever be able to perform that great Mitzvah. Then they realized that each of them is poor enough to receive Tzedakah. They hit on a plan. One of them borrowed money, and gave it as Tzedakah to the other one. He gave it back as Tzedakah to the first one, who returned the borrowed money.

Two Mitzvahs - no cost - two happy paupers!!

הָאוֹמֵר לְשָׁלוּחוֹ צֵא וְקִדַּשׁ לִי אִשָּׁה סֵתָם אָסוּר בְּכָל הַנָּשִׁים שְׁבָעוֹלָם

A man appoints an agent to go and betroth any woman to be his wife. All women in the world are forbidden to him.

The agent goes, but dies before he returns to inform the man who the woman is. The man is forbidden to marry any woman in the world, for fear that she might be one of the relatives forbidden to him (i.e., wife's sisters, mother, grandmother, daughter).

But would that concern not apply to anybody who wants to get married? Perhaps, the woman is a relative. No. There we say we rely on 'Rov', "the majority". Most women are not relatives and therefore, he may marry.

This man is being punished for sending an agent out, without specifying who is his intended wife. The agent, by mistake, could have chosen his sister, mother, or daughter.

בְּמִילָתָא דְּלֹא קָיָיְמָא קָמִיד לֹא מַשְׁוִי שְׁלִיחַ

For matters that are not before him, he cannot appoint an agent.

‘Not before him’, means something that has not yet come into existence.

Unless:

- He is explicit about it. For example, a Mashgiach should separate Terumah and Maaser.
  - He puts it in writing.
  - It relates only to a Rabbinic law and not a Torah law. (In our day, laws of Terumah and Maaser are only Rabbinic law.)
  - In those cases, the agency works.
- You can't designate an agent, for something you can't do yourself.

הָרִינִי נָזִיר לְכַשִּׁיחָהּ לִי בֶן

I promise to be a Nazir when a son will be born to me.

If he has a son, can he discharge both vows with one period of being a Nazir?

A person vowed to visit the gravesite of a certain Tzaddik and before he had an opportunity to go, he was hired to go there by a person as their ‘Shaliach’, “agent”. Can the one visit discharge both obligations? Yes.

A person promised to fast after having a bad dream, but the day was a Shabbos, that fell on a Yom Tov. If you fast on either of those days, you must fast another day for having degraded the holy day. Must he fast one or two extra days? One.

## הַפִּילָה אֶשְׁתּוֹ אֵינוֹ נָזִיר

If his wife miscarried, he is not a Nazir.

A man said, “I will be a Nazir when I have a son”. But if his wife miscarried and delivered a dead baby son, does that qualify to make him a Nazir? In matters of doubt regarding Nezirus, we deal stringently.

1. Is it considered a viable fetus, a son, while inside the womb or is it just called a fetus?
2. Is a dead male, a miscarriage or a son?
3. Must the baby be born alive to qualify to be called son?

Proof: If you know a cow is pregnant, you can’t kill it because you would kill the mother and her young on the same day.

Also, a bull and his pregnant partner, cannot be slaughtered on the same day.

Here, we see that we do consider the unborn entity as having at least some quality of a viable offspring.

הָרִינִי נָזִיר לְכַשִּׁיחָא לִי בֶן

A man vowed to become a Nazir if he has a son,

and his friend said, “Upon me, also”.

Does he mean he will become a Nazir if the first person has a son or did he mean if he has a son, himself?

Perhaps he expressed himself in this manner, “I love you so much, like I do myself and if you have a son, I will join you in becoming a Nazir to serve God on a higher plane”.

If you use these words:

-and upon me – his own person

-and I will be a Nazir when you have a son (Rosh)

This question is left open by the word ‘Tivaeh’.

Teiku = ‘Tishbi yetaretz kushios usheelos’.

‘When Eliyahu HaTishbi comes, he will answer all conflicts and questions.’

דָּקָא שְׁפָעָה תִּלְתָּא תִּלְתָּא יוֹמֵי בְּהָדֵי הִדְרֵי

That her flow continued for three days, consecutively.

Can the same day be counted twice? Yes.

For example, a woman had a discharge on Monday morning, she is considered to be tamei until nightfall. If she had no discharge by Tuesday morning, this is counted as a clean day and she may go to a Mikvah. Later on Tuesday, she has another discharge, she is tamei.

Alternatively, you could say that she saw a flow for three consecutive days. We see that Tuesday can be a clean day and Tuesday can also be a tumah day. The same day could be counted twice.

Can you count the days of the Omer, if you are not sure of the date, by counting, ‘today is day 4 and today is day 5’? No, because that is not actual counting, it is merely saying the words of the counting process. It must be a definitive count to fulfill an obligation.

בְּעֵי רֶבֶא נָזִיר וְהוּא בְּבֵית הַקְּבָרוֹת מֵהוּ

Rava asked: If a person declares that he is a Nazir while standing in a cemetery, what is the law?

Can he do so?

When is he liable for lashes?

1. He is a Nazir who became tamei. Therefore, he warrants lashes.
2. No, he must wait for a period and not leave the cemetery, then he gets lashes.  
For example: If you are in the Bais Hamikdash and become tamei. If you quickly exit, within the time it takes to bow, you are liable for kares. Perhaps the same timeframe is available here (See 17b1 line 2 A19).
3. If he could leave, but chooses to stay, is he liable for multiple punishments of lashes or is it all considered one?
4. If he leaves and comes back many times, is he liable to lashes for each entry into the cemetery?
5. Isn't he tamei anyway, until he goes through the process of becoming tahor and therefore, it does not matter if he stays or returns? No.

בגון שנכנס בשידה תיבה ומגדל ובא חבירו ופרע

A Nazir entered the cemetery in a carriage, trunk or box and his friend came and removed the floor.

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A Kohen was sleeping without clothes in a room and a person died. We are advised to call the Kohen out, so he can dress before he exits and then, tell him about the dead person. Otherwise, once he learns, he must leave immediately, even before he dresses. This is so, even if he entered the area in a permissible fashion. Lingered after circumstances change is considered an action and if the change causes a prohibition, lingering exposes him to lashes for contracting tumah.

This extends to Mitzvahs also. A person put on his tzitzis in the middle of the night without saying the bracha. He is permitted to make the bracha at the time he should do the Mitzvah of putting on tzitzis, even though they are already on. Even though he put them on when he was exempt, he had the tzitzis on when he was obligated to have them on. It is considered that he fulfilled the obligation of putting on his tzitzis.

בגון שוכנס בשידה תיבה ומגדל ובא חבירו ופרע

A Nazir entered a cemetery inside a chest, trunk or closet and his friend came and removed the floor.

Is it permissible to carry a Kohen in a box, through a cemetery?

Brings up the discussion of a Kohen flying over a cemetery, or anyone flying over a cemetery.

A corpse defiles by means of tactile contact and also as stated in Bamidbar 19:4, “defiles persons, vessels and other objects present within the same tent”.

Rambam (Hilchos Tumas Mes 1:10) – Regardless of the distance between the person or object and the corpse, the corpse defiles “ad coelum et ad inferos”, ‘up to Heaven and down to Hell’, ‘unless there is an interposition of an object not subject to defilement’.

Perhaps an object shaped like a tent may be an interposition, even if it is made of a material which is subject to defilement. Num. 19:14 states, “Everything that comes in and everything that is in the tent, is defiled for 7 days”.

This suggests that a tent imparts defilement to everything in it and serves to prevent defilement from extending beyond it.

Therefore, the lower part of an airplane could serve as a interposition, preventing the defilement of a cemetery from continuing up to the heavens.

בְּגוֹן שְׁנֵכָנִס בְּשִׂידָה תִּיבָה וּמִגְדָּל וּבֹא חֲבִירוֹ וּפָרַע

A Nazir entered a cemetery inside a chest, a trunk or closet and his friend came and removed the floor.

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However, a “moving tent” is not considered a tent that can provide an interposition. Therefore, an airplane that would be defiled, is not considered a tent and does not protect the person from the defilement of a cemetery.

An independently propelled object, i.e., a plane in flight, because it is moving, is not considered a tent. However, if it is moved by people and carried (i.e. a tent or a box that could be moved through the air), then it would have the criteria of a tent and would prevent defilement.

A tent is stationary; a bird in flight, a thrown cloak, or a boat floating on water do not rest and therefore, do not qualify as a ‘tent’.

If the plane had a wooden floor or plank, or if the cargo area underneath the plane was lined with material which did not convey tumah, riding in a plane over a cemetery would be permissible.

Metals, that can become defiled, are those known to antiquity, for example, gold, silver, copper, iron, tin and lead. Those metals of today, i.e., aluminum, titanium and steel from which planes are made, do not become defiled and therefore, should not convey tumah. This would not include a plastic body bag.

El-Al refused to accommodate him. British airways did accommodate him.

Suggestion – Create a section of the airplane enclosed in silicone, which can’t become tamei, charge a little more and call it “Kohanim” class.

## כִּי גָמִירִין שְׁהִיָּה בְּבֵית הַמִּקְדָּשׁ

When we learn about lingering, it was only in regards to the Temple.

The longer a Nazir or Kohen stay in a cemetery, when they have the opportunity to leave, the more lashes they receive.

A man put his finger on a door buzzer on Shabbos and as he was ringing, he realized it was Shabbos. He kept his finger on the buzzer, concerned that if he took it off, he would break the electric contact he had created and have another sin. He intended to keep his finger on the buzzer until after Sabbath.

Mishnah Halochos says that the very instant that someone presses his hand on a bell, it is considered a transgression. We learn this from the above rule of the Nazir in the cemetery.

קָסֵבֵר ר' אֶלְעָזָר הַקָּפֶר נָזִיר טָהוֹר נִמְי חוֹטֵא הוּא

According to Rabbi Eliezar Hakappar, “A clean Nazir also is a sinner”.

A clean Nazir is one who did not violate his vow by becoming tamei or drinking wine.

-Because of the pain he assumes by abstaining from wine, he has committed a sin. It is a sin to afflict one's self.

-What is the opinion regarding plastic surgery for cosmetic purposes, is it permitted? Is it considered pain caused by self affliction and therefore, a sin?

-Bava Kamma (91) – May a person injure himself willingly?

-Rambam - It is a sin to inflict any kind of physical harm on oneself.

-Shulchan Aruch - He concurs with Rambam's opinion.

-Rav Ovadiah Yosef says, “If she will have anesthesia, there will be no pain and if the gain outweighs the loss, plastic surgery is permitted. Nezirus is a sin. It is self denial. But it has a positive aspect of controlling illicit passion. If the positive outweighs the negative, it is permitted.

## הַיִּזְרָה לָהּ בְּעֵלָהּ וְהִיא לֹא יִדְעָה

A woman made a vow of Nezirus and her husband nullified it. She did not know that he nullified it.

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She drank wine believing she was violating her vow of Nezirus and was performing a sin. Does she get lashes for sinning?

No lashes - The vow was already nullified, therefore, no sin.

Yes lashes - She intended to sin. She, in her own mind, acted in violation of the Nezirus, that she believed was in effect and therefore, receives lashes of Makkas Mardus – lashes for rebellion. How many? This is not clear. Lashes of Makkas Mardus, were usually used to force a person to do a Mitzvah, i.e., eating matzo or sitting in the Succah. Therefore, use as many lashes as needed to get results.

הָאִשָּׁה שֶׁנִּדְרָה בְּנִזִּיר וְנִטְמְאָה וְאַחֵר כִּךְ הִפֵּר לָהּ בְּעֵלָהּ

A woman took a vow of Nezirus and then contracted tumah. Then her husband revoked her  
vow.

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Rambam is of the opinion that the husband's revocation uproots the vow retroactively, as would a nullification by a 'chacham' or tribunal (Hilchos Nedarim 13:3).

However, she had come in contact with a corpse, while she was under Nezirus and is now tamei. People who have become tamei must bring a korban.

If nullified retroactively, is she still required to bring a korban?

Is she tamei, or did it never happen?

Brisker Rav: Nullification uproots her Nezirus from, "This point forward, retroactively".

We don't rewrite history; she was obligated and she violated. Therefore, she suffers the consequences. She must bring a korban.

## אם אָמַרָה לָהּ הֲרִינִי כְּמוֹתֶיךָ שְׁתִּיבֶן מוֹתָרוֹת

If a woman declares, “I am like you” and the husband of the first woman revokes her vow, they are both released.

A person is making a bracha and for others to be yotzeh. However, then the first person makes an interruption between the bracha and eating. What is the status of the others, they already said ‘amen’ to the bracha. Is it now theirs?

### Answer:

- If a person depends on another, he/she is completely bound up with the action of the other.
- If she wanted to do as the other did, when the husband of the first woman nullifies, woman #2 is also nullified.
- If you want to be yotzeh with someone else’s bracha and that person disqualifies that bracha for himself, it is disqualified for you also.

אַחַד אָכְלוּ לְשׁוּם מִצְוָה וְאַחַד אָכְלוּ לְשׁוּם אֲכִילָה גָסָה

One eats for the sake of the Mitzvah and the other, for gluttony.

Gluttonous eating is not called eating.

If a person is full he should not force himself to eat Shalosh Seudos, the third meal on Shabbos.

Eating on Shabbos is required in order to enjoy Sabbath, not to suffer.

However, if he could eat the volume of an egg, or even of an olive, he should do so.

Koheles 2:14 - 'A wise man has his eyes in the front of his head.' This mean, he can and he should plan ahead. He should leave some room in his appetite for the third Shabbos meal.

אַלֹּא מִשָּׁל לָלוֹט וּשְׁתֵּי בָנוֹתָיו עִמּוֹ

However, we have the example of Lot and his two daughters.

Lot became aware of the incestuous act of his elder daughter that took place while he was in a state of inebriation. He should not have had any wine to drink the next evening, for fear a similar sin could occur.

A person is not permitted to place him/herself in a situation where a Mitzvah, incumbent upon him, cannot be performed. A person may not perform an act that will lead him to sin. For example, he can't put on a four cornered garment on Sabbath, since he can't attach tzitzis.

May one perform a circumcision on Thursday, knowing that it will become necessary to violate Sabbath for the sake of the health of the patient?

A person should not become inebriated on Purim, if it will prevent him from being able to recite the usual prayers.

Can a Jew go to polar areas, or to space, where time-bound Mitzvahs are irrelevant?

## שְׁמִתוֹךְ שֶׁלֹא לְשִׁמּוֹן בָּא לְשִׁמּוֹן

Studying without the best of intentions, will lead to the best of intentions.

A person should study even without pure intentions, because by studying without good intentions, good intentions may come.

You may come to Shul because of a Kiddush, but by coming, you might become inspired to pray better.

You may teach Bar Mitzvah lessons for the income, but learn to love the idea of influencing young minds toward their heritage.

## Daf Digest

## שְׁמֵתוֹךְ שֶׁלֹא לְשִׁמּוֹן בָּא לְשִׁמּוֹן

Studying without the best of intentions, will lead to the best of intentions.

Rabbi Benzion Meir Hai Uziel 1880 -1953

Israeli Chief Sephardic Rabbi 1939 - 1953

Regarding the issue of non-Jews converting to Judaism:

Rabbi Benzion Meir Hai Uziel argued that rabbinic courts should convert even those who do not intend to be fully observant of Jewish law and custom.

Our duty is to make an opening for them, inform and instruct them, but not to extract promises or police their actual actions. This is because in the end, they will come to fulfill them on their own.

Just like learning Torah ‘lo l’shmah’, or for ulterior motives. Eventually, it will evolve to Torah l’shmah.

אֵלֹא אֵימָא כְּמִצְוָה שְׁלֹא לְשִׁמָּה

Learning Torah and doing Mitzvahs for ulterior motives, will eventually lead to doing them for their own sake.

A sin committed for the sake of Heaven, is equal to a Mitzvah done with an ulterior motive.

Yael ended the Canaanite threat to Israel by slaying their general Sisra, after first weakening him by an adulterous activity (7 times!!). (Daf 23b2 line 22 B7)

She is compared to the matriarchs who gave birth to our nation, since she saved it.

Same as Esther.

It cannot be said that in either case, Esther and Yael was a passive party, rather in each case, the woman took the initiative. Therefore, martyrdom would have been expected, rather than a forbidden relationship.

However, their action was justified to save the nation, says R Yechezkel Landau (Responsa Noda B' Yehudah Yoreh Deah 161)

שְׂבִשְׁכָר מִיֵּב קִרְבָּנוֹת שֶׁהַקְּרִיב בָּלָק הִרְשָׁע וְזָה

The reward for the forty-two sacrifices, which the wicked Balak offered.

Five of the 54 parshas of the Torah are named for people.

Noach      - (Gen 6:9) A pious man

Yisro      - Suggested delegating authority to judges.

Korach      - Great Torah Scholar and he could determine the intercalations of the months and years.

“A righteous man will sprout like a palm”. Tehillim is in honor of Korach.

Pinchas      - He acted with zeal to honor HaShem.

Balak      - He offered 42 sacrifices, which earned him the distinction that David, Shlomo HaMelech and the Moshiach, would all come from him.

## אָדָם מֵבִיא קָרְבָּן עֲשִׂיר עַל אִשְׁתּוֹ

A wealthy person must bring a wealthy person's sacrifice on behalf of his wife.

What is a husband's obligation to fund his wife's offering?

If it is a previous marriage obligation, she pays for it. If she was poor, she pays a poor person's offering.

If it is an obligatory offering, i.e., to atone for a sin (i.e., for eating forbidden fats, for violating Sabbath), she needs atonement. He should buy the appropriate offering birds or sheep, that he can afford, even if this is just her obligation (and even if it occurred before their marriage), because who wants his wife to lack atonement. However, he is not responsible for other pre-marital debts.

If it is for an obligatory offering that his wife pledges in a vow, he does not need to honor it. Otherwise, she could obligate him severely. He is not required to redeem her voluntary pledge.

הַלָּכָה הִיא בְּנָזִיר

### The Halachah concerning Nazir...

The message of the Nazir and of the Mesechta is:

-Learn the good aspect of the Nazir and that is, ‘Be a person who restrains himself from excess’.

יֵלְכוּ לִים הַמָּלַח

### Go to the Dead Sea

and cast it in.

Designated funds for a chatas, if not used, must be destroyed. This is derived from a source called Halacha L'Moshe Mi Sinai

Funds designated for Olah or Shlamim offerings can be used for other communal Olah offerings. How do we know? It is a law from Sinai to Moses.

Jewish law is derived from recognized sources, but also from Baraisas which are not in the Gemara laws, but are 'L'Moshe Mi' Sinai' – not recorded anywhere.

## עַד שִׁיָּהָא קָרְבָּנוֹ לְשׁוּם חֵטָאוֹ

He has not discharged his obligation, unless his offering is for the sake of his inadvertent sin.

A man took his Shabbos nap. When he awoke, he realized that the lamp was in a different place and one of the candles was extinguished. He believed he had awakened and profaned the Shabbos, although he remembered nothing. He asked his Rebbi what to do.

He was told to say certain Tehillim, fast one day, and give money to Tzedakah.

The next day when he arrived home, he refused lunch and explained to his wife what had happened. The live-in-help heard and admitted that she had moved the lamp for safety and had blown out all but one candle, to save money for the household.

The man had already fasted ½ a day, given Tzedakah and said Tehillim. He had other sins, which required atoning, and he wondered if he could use this atonement for one of them? No.

## שָׁכַן אִם הִפְרִישׁ לְעֶצְמוֹ מַעוֹת מִן הַחֶלֶב וְהָבִיא עַל הַדָּם

I might think that money set aside for atonement for eating fat, could be used to atone (for a different sin), i.e., eating blood.

It is not Meilah if a person changes the designation of an animal to atone for one sin, to atone instead for another sin. However, he is not permitted to do that.

Even if both sins were of the same severity, the law of Meilah does not apply.

That law only applies if some object belonging to the Bais Hamikdash is removed and used for a non-holy use. That would not be the case here, both uses are holy, both for the same person, both for a sin; only for a different sin. Therefore, it is not Meilah.

But this animal is set to atone for the first sin and not the second. If reassignment would result in Meilah, the animal would no longer be holy and could then be reassigned for another sin.

Reassignment is not permitted even in the form of money.

אף בתגלחת הטְהָרָה יִפָּר שְׁהוּא יָכוֹל לומר אי אֶפְשִׁי בְּאִשָּׁה מִגְלַחַת

Even concerning the head shaving, the husband may revoke the vow.

Women shaving their heads:

R Meir says, “Up until the time she shaves her hair, her husband may revoke her vow of Nezirus”.

This teaches us that wives, in those days, did not shave their heads.

Is it permissible for a woman to shave her head? Is that not a practice that violates the prohibition against grooming herself like a man?

- Such a prohibition is limited to unmarried women.
- It is only a prohibition if one is trying to look like the opposite gender.

It does not apply for other reasons, i.e., it is cold out, it is raining or it is a protective work dress, this is not a violation. Therefore, in order for a woman to violate ‘grooming like a man’, she would have to leave her Payos intact, as men do. However, if she shaves off all of her hair, there is no prohibition. Therefore, a woman may take a vow of Nezirus and shave her head.

אָמַר רִישׁ לָקִישׁ בְּדִי לְחֻנּוּכָא בְּמִצְוֹת

Reish Lachish says, “For the purpose of training his sons to observe the commandments”.

A father must teach his son, not their mothers.

A father may impose a vow on his pre-Bar Mitzvah son, to be a Nazir as a function of “chinuch”, ‘education’.

Reish Lachish (N11 24b1 also B25) says- A mother is exempt from the obligation of chinuch and a father is only responsible to educate his son, not his daughter.

However, in Succah 2b, we see Queen Helene trained her young children in the Mitzvah of Succah. Her behavior is dismissed as voluntary and not on the basis of her obligation to do so.

Yoma 82b - ‘A parent should train both underage sons and daughters in fasting on Yom Kippur’. Therefore, Mishnah Berura concludes, that chinuch instruction applies to daughters, as well as to sons.

## עַד שִׁגִּיעַ לְעוֹנַת נְדָרִים

Until he reaches the “age of vows”.

The age of religious majority is age 13 (Rashi) (+ 2 pubic hairs).

-A person is a man at age 13.

“That the two sons of Jacob, Simon and Levi, took each man his sword”. (See Genesis 34:25). Levi at the time was 13 year old.

This definition of man applies to Noachide’s as well and therefore, minors are exempt from punishment.

Rambam calls a person a minor, ‘one who lacks development of reason’ and therefore, cannot logically be held responsible for his actions.