

TIME 4 MISHNA



Summaries

בְּזֵיכְר

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summaries נזיר

time4mishna@gmail.com

א - ב • Accepting upon oneself to be a נזיר:

- 1) A **כינוי** – a foreign language term meaning the same as 'נזיר' is **valid**.
- 2) A **יד** – an incomplete נזיר to become a נזיר whose intention is clear – is **valid**, e.g. "I will be" whilst looking at a נזיר, or "I will grow my hair" whilst holding his hair.
 - "I accept upon myself **bird offerings**" whilst looking at a נזיר:
 - ר' מאיר**: He's referring to the טומאה of a נזיר so it's a valid יד.
 - חכמים**: He's could be making a נזיר to offer up bird offerings, so he isn't a נזיר.
- 3) Accepting **1 aspect** of נזירות is **valid** to make him a fully-fledged נזיר.

ב - ז • Different types and durations of נזירות:

- 1) **Specified** duration: **אסור** to consume anything from **grapes**, **cut his hair** and **become טמא** from a dead body for that duration.
 - "X hours" is considered to be a day.
 - "For 1000 years": He's a **נזיר לעולם** – he can never do these things.
- 2) **Unspecified** or **less than 30 days**: Lasts for 30 days.
 - "A big/small נזירות": 30 days, because he just means it's hard or easy for him.

Lasts forever:

- 3) **נזיר שמשון**: **מוותר** to **become טמא**, like הגיבור שמשון.
- 4) **נזיר עולם**: **מוותר** to **cut his hair** once a year, like אבשלום.
 - "I'll be a נזיר like the hair on my head/the dust of the earth/the sand of the sea":
 - חכמים**: He's a **נזיר עולם** and each נזירות period is 30 days instead of a year.
 - רבי**: He's a **נזיר לעולם** so he can never cut his hair, unless he accepts 'נזירות' for that duration instead of saying he'll 'be a נזיר'.
 - "I'll be a נזיר like the *number of days* of the sun":
 - חכמים**: He's a **נזיר of 30 days** 365 times (30 years).
 - רבי**: He's a **נזיר לעולם**, because he meant as long as the sun shines.
 - "A houseful/basketful": If he meant 'a big נזירות' then **30 days**, but if he had no specific intention then he's a **נזיר עולם** (**חכמים**) or a **נזיר לעולם** (**רבי**).

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א - ז • When not all the restrictions of נזירות are accepted:

- "I'll be a נזיר from a **food/animal/object**":
בית שמאי: He's a נזיר, because 'אין אדם מוציא דבריו לבטלה' – one doesn't make meaningless statements which have legal significance, so he meant to be a נזיר but went back on it, and 'תפוס לשון ראשון' – we go with what he said first.
בית הלל: He's **not a נזיר**, because 'בגמר דבריו אדם נתפס' – we go with what he said last which explains the first part's meaning, that he made a נדר against something.
ר' יהודה: The argument is when he says he meant it as a נדר, and 'נזיר' means he's 'separated' from it; only **בית שמאי** hold that it's a valid נדר.
 - A woman was once pressured to have another glass of wine and said "I'm a נזירה from it" and the חכמים said it's **just a נדר**, since her intention was clear.
- 1) Acceptance of נזירות **on condition that one of the restrictions won't apply**: The **condition is invalid**, because it contradicts what the Torah says ('כל המתנה על מה' 'שכתוב בתורה, תנאו בטל')
 - 2) If he **didn't know that a נזיר can't have wine**:
חכמים: He's a complete נזיר, since acceptance of just 1 aspect of נזירות is enough.
ר' שמעון: He's **not a נזיר**, since acceptance of all נזירות restrictions is necessary.
 - 3) If he thought the חכמים would allow him to drink wine/become טמא and he **can't live without wine** or **he'll lose his job** if he can't become טמא:
חכמים: He's **not a נזיר**, because it's in the category of 'נדר י אונסין' - a נדר whose validity is out of his control.
ר' שמעון: He is a נזיר, since even נדר י אונסין require annulling.

ה - ו • נזירות קרבנות - shaving his head and bringing the קרבנות after his נזירות:

- Someone can bring his קרבנות on his behalf.
- "I accept to bring the קרבנות נזיר for **half a נזיר**":
ר' מאיר: We go with what he said first ('תפוס לשון ראשון') and he can't retract.
חכמים: We go with what he said last ('בגמר דבריו אדם נתפס') and he needs to bring half of the קרבנות for a נזיר.

ז - י • נזירות which is conditional on the birth of his child:

- "A **בן**" includes only a **definitely male** child, because it depends on 'לשון בני אדם' – its commonly understood meaning.
- "A **ולד**" includes **any** child.
- If his wife gave birth to a **stillborn**, and it's unknown whether it had been in the mother's womb for at least 7 months:
חכמים: He's **not a נזיר**, since he intended to be one only if his condition is certainly fulfilled. So if she later gives birth, he will be a נזיר then.

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א - ז • Expiry of his נזירות:

תגלחת Date of:

- 1) "I'll be a **נזיר**": לכתחלה day 31; בדיעבד day 30 because 'מקצת היום ככולו' – part of the day is considered like the whole day.
- 2) "I'll be a **נזיר for 30 days**": Day 31, because he specified 30 full days.
- 3) **2 terms** of נזירות: לכתחלה days 31 and 61; if on 30 then לכתחלה 60 and בדיעבד 59.

Discounting previous days if he becomes טמא before the תגלחת:

- 1) "I'll be a **נזיר**" and he becomes טמא on day 30:
חכמים: Restart, because we don't say היום ככולו without the תגלחת.
ר' אליעזר: Don't restart, rather do the תגלחת 7 days later once you are טהור, unless he explicitly said "I'll be a נזיר for 30 days".
 - 2) "I'll be a **נזיר for 100 days**" and he becomes טמא on day 100:
חכמים: Restart.
ר' אליעזר: Recount 30 days, because he became טמא on his last day of נזירות so he must observe a minimum period of נזירות; this is learnt from a Pasuk.
 - 3) "I'll be a **נזיר for 100 days**" and he becomes טמא on day 101:
חכמים: Recount 30 days, because people may confuse that day with day 30 of a standard נזירות since they're both days for the תגלחת.
ר' אליעזר: Don't recount, rather do the תגלחת 7 days later once you are טהור.
- If a **טמא person** – even if it's not a severe enough טומאה to make a נזיר restart - accepts נזירות, his counting **only starts from when he is טהור**.
 - If one became a נזיר in חוץ לארץ which is **טמא מדרבנן**:
בית שמאי: Since it's מדרבנן, he only needs to observe 30 days in ישראל.
בית הלל: He needs to observe it all, just like a טמא person who accepts נזירות.
 - **ר' אליעזר**: One who becomes טמא on his first day of נזירות is פטור from bringing a טומאה קרבן, since the Torah says "the days" in plural.

If it's a doubt:

- If there is a **contradiction between 2 pairs of witnesses** about how many periods of נזירות he accepted:
בית שמאי: He's **not a נזיר**, since they cancel each other out.
בית הלל: He's a **נזיר for the smaller number of periods**, since both agree about that.

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- One who compares himself to a נזיר 'תוך כְּדֵי דִיבּוּר' – within a couple of seconds – of his declaration is a נזיר, so if the first man's נזירות is annulled then so is his since it's dependent on the first man's declaration.

א - ה • **Annuling one's wife's נזירות:**

- 1) If **she compares herself to him** תוך כְּדֵי דִיבּוּר of his נזירות declaration, or even if he asks her if she wants to be a נזיר, he **can annul** hers and remain a נזיר himself.
 - If it's the **other way round**, it's like he's approved her נזירות so he **can't annul** it.
- 2) **After she violates** it: She is **חַיִּב מִלְקוֹת** (lashes), since his annulling is only effective from that moment onwards.
- 3) **Without her knowledge before she violates** it: **חַיִּב מִכַּת מְרֻדוֹת** (lashes מְרֻדָּן).

After she had set aside קְרָבָנוֹת:

- 1) **From his animals:** The animals **remain חולין** because she can only use his animals if she's **חַיִּב** to bring a קְרָבָן.
- 2) **From her animals:** Let the **חֲטָאת** die, and bring the **עוֹלָה** and **שְׁלָמִים** as **voluntary קְרָבָנוֹת** and the **שְׁלָמִים** must be eaten by the following morning, like a נזיר's שְׁלָמִים.
- 3) **Money** for the קְרָבָנוֹת: Goes towards **voluntary עוֹלָה**.
- 4) **Money specified for each** of the 3 קְרָבָנוֹת: **Destroy** the **חֲטָאת** money, and use the **עוֹלָה** and **שְׁלָמִים** money to **bring a voluntary עוֹלָה** and **שְׁלָמִים** (& eat by the morning).

• **Deadline** for his annulling:

חכמים: Sprinkling of the blood of one of the קְרָבָנוֹת, because then she's מוֹתֵר to drink wine so it's no longer an 'עֵינוֹי נֹפֵשׁ' (suffering). This would not apply to the קְרָבָנוֹת טוֹמְאָה.

ר' עקיבא: Slaughtering of the חֲטָאת, since its blood cannot be sprinkled if it's no longer obligatory.

רבי: Shaving of her head, because to be bald is a 'דְּבַר שְׁבִינוּ לְבִינָה' – something which affects their relationship – and he is therefore able to annul.

ז - ו • **The הלכה למשה מסיני of one's son as dictated by מִסִּינֵי:**

- 1) One can **accept נזירות on his קָטָן son's behalf**, if neither he nor his relatives protest immediately upon hearing about it.
 - If they **protest** after the father set aside קְרָבָנוֹת, the laws are the same as for a woman whose נזירות was annulled by her husband after she'd set aside קְרָבָנוֹת.
- 2) **חכמים:** One can accept נזירות on condition that he **use the money which his father separated** for his own קְרָבָנוֹת נזירות before he died.

ר' יוסי: He can only do this if he became a נזיר before his father died.

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א - ז • Mistaken declarations:

בית המקדש – Error when designating something for the **הקדש טעות**:

- E.g. if he intends to make the first of his oxen to exit his house **הקדש** but specifies his black one because he thinks it will be first, but a white one exits first.
- **בית שמאי**: It is **valid**, like **תמורה** – when one exchanges a **קרבן** animal for another animal and they both must be brought as a **קרבן** as a punishment.
- **בית הלל**: It is **invalid**, like most **נדרים** which require that **'פיו ולבו שוים'** – his declaration is in accordance with his intent.

→ Proof for **בית הלל**: If a **תלמיד חכם** tells a **נזיר** who'd separated animals for his **קרבנות** that his **נדירות** **declaration was invalid**, the animals remain **חולין** (non-**הקדש**)

- Disproof: That's only because a non-**נזיר** doesn't have the power to designate **קרבנות נזיר**, not because of an error.

→ Proof for **בית שמאי**: The 9th and 11th animal which pass through a pen's exit and are mistakenly marked as the 10th are valid as **מעשר שני** as if they were the 10th.

- Disproof: That only applies to the 9th and 11th animal – because of what the Torah says – but not to any animal about which he erred.

נדירות טעות – Error in a **נדירות** declaration:

- If a **נזיר's animals are stolen**, this is **not a valid 'פתח'** – consequence of the **נדר** which makes him regret making it and serves as a basis for annulling it – since it's **'נולד'** – an unlikely occurrence which happened after the **נדר** was made.

→ **נחום המדי** mistakenly thought that **נולד** is a valid **פתח** so he annulled the **נדרים** of **נזירים** who regretted their **נדרים** when the **בית המקדש was destroyed** and they wouldn't be able to end their **נדירות** by bringing **קרבנות**.

- A **conditional נדירות** where he intends to be a **נזיר**:

בית שמאי: It's **valid**, like **תמורה** & **הקדש**.

בית הלל: It's only **valid if the condition is fulfilled**, like most **נדרים**.

ר' טרפון: It's **invalid**, since **נדירות** is only valid if it's clear at the time of declaration that he's a **נזיר**.

→ When it is **unknown whether the condition was fulfilled**:

חכמים: He **isn't a נזיר**, since he intended to be one only if his condition is certainly fulfilled.

ר' שמעון + בית הלל: It's a doubt, so he should **accept another נדירות on condition** that his original condition was not fulfilled.

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א - 1 • The 3 prohibitions of a נזיר:

1) Consuming grape products: grape, wine, skin and seeds

- All products combine to make up the minimum amount for which to be חייב מלקות.
- One is חייב a set of מלקות for each product separately if he has the minimum amount of it.
- **חכמים**: The minimum amount is a **פזית** – the size of an olive – even for liquids. **משנה ראשונה** (the original Halacha): A **רביעית** – quarter of a לוג – even for solids. **ר' עקיבא**: Because the Torah explicitly forbids something soaked in grapes/wine, **even bread** – which is not prohibited for a נזיר – soaked in wine combines to make the minimum amount.
ר' אלעזר בן עזריה: One is only חייב if he eats both the **seeds and skin** of the same grape.
- **ר' יהודה**: “**חֲרָצִיִּים**” in the Torah means the skins; “**זָגִים**” means the seeds.
ר' יוסי: It's the other way round.

2) Cutting hair

- If the majority of his hair is cut even by force within 30 days of the end of his נזירות period, he must **count more days**. However, he is still חייב מלקות for less.
- **מוֹתֵר** to **rub and scratch** his head, but not with a **comb**.
ר' ישמעאל: Not even with **earth**.
- **חייב** to cut his hair if he becomes **טהור** from **having צרעת**, since ‘**עשה דוחה לא**’ – **תעשה** – a positive mitzva overrides a negative mitzva.

3) Becoming טמא to a dead body

- **חייב** to become טמא to **bury a 'מת מצוה'** – a dead body which is not being taken care of by anyone.
- If he becomes טמא, he must **restart his נזירות** and perform a ‘**תגלחת הטומאה**’ – **shaving** his head & bringing **קרבנות**:
→ **7th day** of the purification process: **shave**. **8th day**: bring his **קרבנות**.
- **If he shaved on the 8th day**, he still brings his **קרבנות** on that day, since his purity depends on waiting 7 days and go to the **מקוה**, as opposed to a **מצורע** whose purity depends on the actual shaving, since he can only go to the **מקוה** after shaving.
- One is חייב מלקות corresponding to the number of times he was given ‘**התראה**’ – warning – not to transgress the prohibition.

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- א - ז • **Becoming טמא from a dead body:**
- If a כהן גדול and נזיר find a **מת מצוה**:
 - ר' אליעזר: The כהן גדול should bury him, since his טומאה is less severe since he doesn't bring a קרבן for it.
 - חכמים: The נזיר should, because his sanctity is not as great since it isn't **lifelong**.
 - 1) If he becomes טמא **directly from the dead body**, he must **restart his נזירות**.
 - Even though a **quarter of a קב** of **bones** and a **quarter of a לוג** of **blood** make him טמא, it is **הלקה למשה מסיני** that it only interrupts נזירות if it's **half a קב / לוג**.
 - A **limb taken from a live animal** which contains enough flesh which would allow it to regenerate if it was attached is included.
 - 2) If he becomes **טמא מדרבנן** or טמא **not directly from a dead body**, he doesn't need to restart his נזירות, but the days that he is טמא **don't count for his נזירות**.
 - 3) It is **הלקה למשה מסיני** that the days that a זבה/זב is טמא and the days that someone with צרעת is locked up to see if he is טמא **do count for his נזירות**.
 - ר' יהושע: Any טומאה from a dead body which **makes a נזיר restart** his נזירות makes **one who enters the בית המקדש** in that state חייב.
 - ר' מאיר: Since טומאה from an insect doesn't interrupt נזירות at all yet makes one חייב for entering the בית המקדש, all the more so טומאה which **interrupts the נזירות** – even if it doesn't make him restart – makes him חייב for entering the בית המקדש.
 - ר' עקיבא: Since a **barley-sized bone** doesn't makes those under the same roof טמא yet does make a נזיר restart if he touches or carries it, all the more so **a quarter of a לוג of blood** which does make those under the same roof טמא should make a נזיר restart.
 - ר' אליעזר: We can't compare it to a barley-sized bone, since that's **הלקה למשה מסיני**.

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א - ב

When it is a doubt:

- 'ספק טומאה ברשות היחיד, ספקו טמא' – If a doubtful טומאה occurs in a private domain where there are less than 3 people, we rule stringently.
- If someone tells 2 נזירים who were in a private domain that he saw 1 of them become טמא but he doesn't know who:

They should bring a קרבן טומאה and קרבן טהרה and stipulate that each should be for the one who requires that קרבן, then both observe another נזירות period and bring a קרבן טהרה and stipulate that it should be for the one who became טמא.

→ If **one of them died**:

ר' יהושע (שמעון) should make a conditional נזירות that if this man (ראובן) is טמא then he's a נזיר from now, and if he is טהור then he's a נזיר from 30 days' time, and both observe 2 more periods of נזירות. After 30 days, they bring a קרבן טומאה of just a חטאת bird (which may be brought even if it isn't an obligation) and קרבן טהרה and stipulate that if he was טמא then the קרבן טומאה is ראובן's and the קרבן טהרה is שמעון's, and if he was טהור then the קרבן טהרה is ראובן's and the קרבן טומאה is out of doubt. After another 30 days, they bring a קרבן טהרה and stipulate that it should be for whoever the 1st קרבן טומאה was for.

בן זומא: It will be too difficult to find someone willing to become a נזיר in order to help him, rather he should bring a **חטאת bird** in case he's טמא and an **עולה animal** in case he's טהור, then after observing נזירות for another 30 days bring a normal קרבן טהרה, and stipulate that if he was טהור originally then the עולה is voluntary, since your first עולה was part of the קרבן טהרה.

- If a נזיר on his first day of נזירות is **possibly טמא and possibly had been a מצורע** which would require him to shave twice:
He must **shave his hair every 30 days for 120 days**, and can eat קרבנות after **2 shavings**, since those 2 would fulfil his **מצורע obligations**, and his נזירות restrictions are lifted after **4 shavings**, since the first 2 only cover the מצורע's obligations, and if he was טמא then the third shaving was his **תגלחת הטומאה** and his 4th was his **תגלחת הטהרה**.
- If he was a **definite מצורע**, he may shave during his נזירות because 'עשה דוחה לא תעשה' – a positive mitzva overrides a negative mitzva.

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א • Who can become a נזיר:

- 1) A **non-Jew** can't
- 2) A **woman** can, unless her husband annuls her vow on the day he hears of it.
- 3) A **slave** can, but his owner may force him to transgress his נזירות.
 - If he **runs away**:
 - ר' מאיר: He **can't drink wine** as a punishment and in order to make him return.
 - ר' יוסי: He **should drink wine**, since his owner would want him to in order that he be strong and able to work when he finds him.

ב - ה • 'רגלים לדבר' - When there is basis to assume something:

- 1) The תגלחת that if the נזיר found out after his תגלחת that he had become טמא from a 'טומאת התהום' – something whose location was hidden and unknown – then his תגלחת was still valid is only said when he had a חזקה – a status presumed to be what it has been until now – of being טהור, but not if it occurred when he was becoming טהור from being טמא.
- 2) **1 or 2 random graves** which people don't know about in an area can be removed to be buried elsewhere in order to prevent people becoming טמא. However, if there are **3** which are spaced in the usual manner for graveyards, the surrounding **20 אמות** – the rough length of a courtyard with 2 burial caves on either end – must be checked, and even if just **1 or 2** graves are found at the end of the **20 אמות**, another **20 אמות** must be checked.
- 3) If it's a doubt whether one's **צרעת has spread**, he's טהור because of his חזקה. However, if it's a doubt whether it's **returned to its original size**, he remains טמא.
- 4) We check whether **זיבה** – something which happens to the body which makes one טמא – is caused by something out of his control which would prevent him being a זב up to the **2nd** time it occurs, but not for the **3rd** time since he's got a חזקה of being a זב.
- 5) If שמעון measure that the **wound** which ראובן gave שמעון will kill him but שמעון only dies after his condition first lightened, ראובן is still **חייב**.
ר' נחמיה: פטור.

- ר' נהוראי: One who compares himself to שמואל הנביא is a **נזיר עולם** like he was.
ר' יוסי: He isn't, and when חנה his mother said to Hashem "וימורה לא יעלה על ראשו", that means that he won't have **fear** of other people, not that a **razor** won't go on his head.

