



My Case is Different

The *Mishnah* (2:4) teaches that if one said "I am a *Nazir* on condition that I can drink wine or become *tameh met*" then they are a *nazir* and all the prohibitions of *nazir* apply. The *Bartenura* explains, this person was aware of all the prohibitions, yet tried to make a condition against a *Torah* law. In such a case the stipulation is disregarded, and the person is a full *nazir*. Similarly, if one accepted to become *nazir* but did not know that a *nazir* was not allowed to drink wine, then all the prohibitions of *nazir* would apply. In this case however *R' Shimon* argues that he would not be a *nazir*. The *Bartenura* explains that *R' Shimon* maintains that one only becomes a *nazir* if they excepted all the limitations. The final case is where one accepted to become a *nazir* but claimed that given his health, he thought the *Chachamim*, would permit him to drink wine, or since he worked as an undertaker, the *Chachamim* would allow him to become *tameh met*. In that case, the *Chachamim* rule that he is not a *nazir*, while *R' Shimon* maintains he is a *nazir* (until a *Chacham* is *matir* the *neder*).

The *Bartenura* explains that in the final case, the *Chachamim* permit the person as it is defined as *nidrei onsim* – a forced *neder* (see Volume 9 Issue 19) – one of the four categories that do not require a *Chacham* to undo the *neder*.

The *Tosfot Yom Tov*, cite the *Tosfot* (11b s.v. *Nidrei havai*) who asks that *nidrei onsim* are only those cases, where the *ones* – forced circumstance – come after the *neder* is made, thus preventing one from fulfilling the *neder*. This case however does not appear to qualify since the *ones* is at the time of the *neder*. The *Tosfot* answer that in this case, the *ones* occurred after; e.g., the *nazir* became ill and consumption of wine became necessary. The *Tosfot* offer another answer that in this case, his heart and mouth were not aligned – he said he would be a *nazir* from wine, but in his heart he knew he could not. The *Tosfot Yom Tov* explains that in such a case it would be defined as *nidrei shegagot* (*neder* in error) and not *nidrei onsin*.

The *Tifferet Yisrael* however asks, that if we define the final case as *nidrei shegagot* such that the individual would not be a *nazir*, then in the second case, where the person did not know that a *nazir* is forbidden from drinking wine, he should certainly also not be a *nazir*. Why then in the second case do the *Chachamim* rule that he is a *nazir* and all the prohibitions apply.

The *Tifferet Yisrael* suggests in the second case, we have a principle that if one claims that something is permitted it is no longer considered *shogeg* (inadvertent) but rather closer to *mezid* (deliberate). Consequently, it similar to the first case where one declared they are a *nazir* on the condition that they can drink wine – and they are a considered a full *nazir*.

The *Tifferet Yaakov* however answers that in the first case claiming that he did not know that a *nazir* is not allowed to drink wine is irrelevant. The prohibitions of a *nazir* is not related to one's intentions but rather how the *Torah* defines a *nazir*. Consequently, if one declares that he wants to be a *nazir*, irrespective of how proficient he is in the laws of *nazir*, all of them apply to him. We find the same is true for a *ger* (convert). They are taught some of the *mitzvot* so they are aware of what being a Jew involves and can change their mind. Yet once they convert, once they accept the *Ol Torah*, everything that it involves applies. In the last case however, the person is fully aware of all the laws, however he was sure that given his circumstances the *Chachamim* would permit him to, e.g. drink wine. Thus the logic of the *Tosfot* would only apply to that case.

The *Rosh* (11b s.v. *Rabanan*) however explains that the two cases are different. In the previous cases, where one tries to exclude a prohibition either knowingly or through lack of knowledge, it simply does not work as we have already explained. In the final case however, when there is something beyond his control preventing him from accepting one of the prohibition of *nazir* (an *ones*) from the outset, then it would not be considered as taking on a *nazir*-oath.

Yisrael Bankier

Revision Questions

נזיר ב' ג' – ג' ר'

- What is law regarding a person that is presented with a cup of a wine, and proclaims “I am a *nazir* from this”? (ב' ג')
- Is this law different if the person was already inebriated? (ג' ג')
- What is the law regarding a person that accepts upon himself *nezirut*:
 - On the condition that he can drink wine? (ב' ד')
 - But at the time did not know that a *nazir* was not allowed to drink wine? (ב' ד')
 - And knew that a *nazir* is not allowed to come into contact with dead bodies, but that in this instance, since he is an undertaker, the *Chachamim* would allow him to come into contact with dead bodies. (ב' ד')
- If a person says “I am a *nazir* and I accept also to bring the *korbanot* for another *nazir* at the completion of his term”, and his friend hears, and says “Me too!” – what should they do? (ב' ה')
- Explain the debate regarding a case similar to the one in the previous question, but where the first person said, “I am a *nazir* and I accept also to bring the *korbanot* for ‘half’ another *nazir*”. (ב' ו')
- Does the term “*vlad*” also include a *tumtum*? (ב' ו')
- Explain the debate regarding a person that makes a *neder* if his wife has a “*vlad*” and then the wife miscarries. (ב' ח')
- Regarding the previous question, what if they then have a child? (ב' ח')
- Provide a practical difference between a person that says “I am a *nazir*, and also a *nazir* when I have a child”, and a person that says, “I am a *nazir* when I have a child, and also a *nazir*”. (ב' ט')
- If someone said “I am a *nazir* when I have a child, and also a *nazir* for 100 days”, when would the duration of his *nezirut* be greater than 130 days? (ב' י')
- With what acceptance of *nezirut*, after which, if one cuts his hair on the thirtieth day is it (*bedi'eved*) acceptable, and when is it not? (ג' יא')
- If someone accepts two *nezirut* on which days does he cut his hair? (ג' יב')
- What did *R' Papyas* testify about, regarding the previous question? (ג' יב')
- Explain the debate regarding a *nazir* that becomes *tameh* on the thirtieth day. (ג' יג')
- Explain the debate regarding a 100-day *nazir* that becomes *tameh* on the one-hundredth day. (ג' יד')
- Explain the debate regarding a 100-day *nazir* that becomes *tameh* on the one-hundred and first day. (ג' יד')
- What is the law regarding a person that declares he is a *nazir* while standing in a cemetery? (ג' יה')
- What is the law regarding a *nazir* that enters a cemetery? (ג' יה')
- What is the law regarding a person that was a *nazir* outside Israel, then moved to Israel? (ג' יז')
- For how many years was *Hilni Ha'Malka* a *nezira* and why? (ג' יז')

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Yisrael Bankier
mishnahyomit.com/shiurim

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
http://www.dafyomi.co.il/calend
ars/myomi/myomi-thisweek.htm

**SHIUR
ON KOL HALOSHON**

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
22 July י"א אב	23 July י"ב אב	24 July י"ג אב	25 July י"ד אב	26 July י"ה אב	27 July ט"ז אב	28 July ט"ח אב
Nazir 3:7-4:1	Nazir 4:2-3	Nazir 4:4-5	Nazir 4:6-7	Nazir 5:1-2	Nazir 5:3-4	Nazir 5:5-6

