



Stam Nezirut

The *Mishnah* (1:3) teaches that if a person makes a *nazir* oath without stipulating the duration – *stam nezirut* – then the length of the *nezirut* will be thirty days.

The *Gemara* (5a) discusses the source of this law. *Rav Matna* explains that when the *Torah* teaches the prohibition of *nazir* against cutting his hair, it writes “*kodesh yi’heyeh*”. The term *yi’heyeh* – he will be – has the numerical value of thirty. *Bar Pada* however explains that the terms *nazir* and *nizro* are used in the *parasha* of *nazir* twenty-nine times. The *Gemara* asks that our *Mishnah* seems suggest that the *stam nezirut* is thirty days and not twenty-nine. *Bar Pada* explains that the thirtieth day is when the *nazir* brings his *korbanot* that end the prohibitions related to a *nazir*. That is why the *Mishnah* referred to *stam nezirut* as being thirty days, since it also included the day the *korbanot* are brought.

When commenting on the position of *Rav Matna*, the *Rosh* explains that really this law is a *halacha le’moshe misinia*. The connection to the term *yi’heyeh* is an *asmachta* – a means of connecting a law to a *pasuk* – but not that the *pasuk* is the source of the law. The reason is that *gematria* is not included as one of the thirteen techniques listed that the *Chachamim* used to derive laws from the *Torah*.

The *Griz* explains that *Bar Pada* also maintains this law is *halacha le’moshe misinai*. The debate however is only regarding the details of that *halacha*; whether it is twenty-nine or thirty days.

The *Rambam* also maintains this position. The *Rambam* (*Nezirut* 3:2) rules that even if one stipulated that he wants his *nezirut* to be less thirty days, he would be a *nazir* for thirty days. The *Rambam* explains that “this is *halacha mi’pi kabala*”.

The *Minchat Chinnuch* (368:13) however explains that there are contexts where there can be *nezirut* for less than thirty days. The first case is where the *nezirut* cannot last thirty days. The example he brings is if someone declared that they want to become an *nazir* the day before they die. The *Rambam* (4:10) rules that that the person would not be able to drink wine or cut his hair from that day forth out of concern it might be his last day. Note that this is a case where from the outset it is a *nezirut* that will last only one day. If the *halacha le’moshe mi’sinai* is that *nezirut* cannot be less than thirty days, then the person should have nothing to worry about. The *Minchat Chinnuch* therefore explains that the *halacha le’moshe mi’sinai* is that if someone wishes to become a *nazir* for less than thirty days, and there is room to expand it to thirty days, then the *nezirut* would be for thirty days.

A practical implication of this understanding is in the follow case. A woman makes a *neder* to become a *nazir*, and subsequently violates all the prohibitions of a *nazir*. Whilst still in the middle of her term of *nezirut* the husband learns about her *neder* and is immediately *meifer* her *neder*. Recall the *hafarah* simply puts a stop to the *neder*. In other words, it is considered as if she was a *nazir* up until that point. After that point there are no prohibitions of a *nazir* and she does not need to bring the *korbanot* normally required at the end of the term of *nezirut*. Returning to the violations prior to the *hafarah*, the *Minchat Chinnuch* explains that she would be liable to lashes if she was forewarned. As explained above, the *halacha le’moshe mi’sinai* is not that there cannot be *nezirut* for less than thirty days. If that were the case, she would be exempt. Rather, there can indeed be *nezirut* for less than thirty days when it is not possible for it to expand beyond that point.

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Revision Questions

נדרים י"א: ב' – י"ב

- Give examples of *nedarim* that “*yesh bahem inui*”? (י"א: ב')
- Can a husband *meifer* a *neder* made against gaining any benefit from anyone? (י"א: ג')
- What is the law regarding a *neder* made against giving any benefit to *Kohanim* or *Levi'im*? (י"א: ג')
- Can a husband *meifer* a *neder* made by his wife against giving any benefit to her father? (י"א: ג')
- What is the law regarding a *neder* made against giving any benefit to her husband, regarding *hafarah*? (Include all three opinions) (י"א: ד')
- Give an example of a “mistaken” *hafarah*. (י"א: ה')
- Does a mistaken *hafarah* qualify as a *hafarah*? (י"א: ה')
- What is the law regarding a woman that makes a *neder* against figs and grapes and her husband: (י"א: ו')
- Confirmed the vow but only with respect to figs.
- Was *meifer* the vow but only with respect to figs.
- What is the law regarding a husband who hears his wife's *neder* and then after a day says: (י"א: ז')
- I did not know about the concept of *hafarat nedarim*.
- I did not know that what my wife did was considered a *neder*.
- If a man made a *neder* against giving any benefit to his son-in-law, how can he give a gift to his daughter? (י"א: ח')
- What is learnt from the following *pasuk*: (י"א: ט')
- “ונדר אלמנה וגרושה... יקום עליה” (במדבר ל': י')
- If a woman made a *neder*, then on the same day, divorced and remarried the original husband, can he *meifer* the *neder*? (י"א: ט')
- Complete the following principle: (י"א: ט')
- _____ זה הכלל: כל שיצאת לרשות עצמה _____
- What are the nine categories of “*na'arah*” whose *nedarim* are confirmed? (י"א: י')
- Can a husband *meifer* a *neder* whose condition (but not effect) falls under the category of *beino u'veina*? (י"א: י"א')
- Which three women were initially divorce without a *ketubah* and why did the law change? (י"א: י"ב)

נזיר א' – א' – ג'

- Is someone a *nazir*, if he saw a *nazir* walk past and he said “I am like him”? (א': א')
- What phrase is debated between *R' Meir* and the *Chachamim* in the first *Mishnah* as acceptance of being *nazir*? (א': א')
- What is the law regarding one who says “I am a *nazir* from impurity”? (א': ב')
- What is the law regarding one who says “I am a *nazir Shimshon*”? (א': ב')
- What is the difference between a *nazir Shimshon* and a *nazir olam*? (א': ב')
- What is the standard length of time for being a *nazir*? (א': ג')
- How long is the duration of a person's *nezirut* if he says:
 - “I am one and half *nazir*”
 - “I am a *nazir* and one hour”
 - “I am a *nazir* for thirty days and one hour.” (א': ג')

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