



A Nazir Like Him

A person who makes a *nazir* vow become a *nazir* and takes on three prohibitions: cuttings his hair, becoming *tameh met* and consuming any grape products. As it is a form of *neder*, much like *masechet nedarim*, *masechet nazir* opens by discussing the *kinuyium* (alternate but explicit terminology) and *yadot* (partial but implied phraseology) that have the full weight of an explicit *neder nazir*.

The first two *yadot* listed are if the person see “*ehei*” (I will be) and “*ehei naeh*” (I will be beautiful). The first question to address is how do these expression qualify as *yadot*.

The *Gemara* (*Nazir* 2b) is initially unsatisfied as *ehei* is not necessarily related to *nazir*, it might relate to fasting. *Shmuel* explains that *Mishnah* is referring to a case where the person said “*ehei*” as a *nazir* walked by. The *Gemara* is still unsatisfied, as “*ehei*” could be understood as taking on the obligation to provide the *korbanot* for the *nazir*. The *Gemara* explains that he “said it in his heart”; he intended to accept a *nazir* oath.

The *Tosfot* explains that even though he intended to accept a *nazir* oath, the case still requires that a *nazir* was walking by. There reason is that a *nazir* oath, like all *nedarim*, must be articulated. When the *nazir* walks by however, his intention helps to make it as if he is saying, “I will be (*ehei*) a *nazir* like him”.

The *Gemara* (*Kidushin* 50a) concludes that we dismiss *devarim she'balev*, unarticulated thoughts. Now granted that we have learnt that if one intends to make a *neder* against wheat but says barley then it is not effective. The *Rashba* citing *Rabeinu Tam* however explains that in that case it was a mistaken *neder* and as if it was never articulated (similar to *nidrei shegagot*). The *Rashba* however asks, how then does his desire to become a *nazir* help in this case? Granted that the novelty of *yadot*

is that the *neder* can be less specific, however there appears to be a reliance on *devarim she'balev* in this case.

The *Rashba* explains that the principle that we dismiss *devarim she'balev* is only when those *devarim* contradict what is said. For example if during a business transaction a person has in mind, but never articulates, a condition of sale. If however they support the articulated word, like in our case, then they are indeed considered. Put simply the principle is not applied in all situations and only when they contradict the articulated word.

The question raised on the *Rashba* is that since the *devarim shebalev* support his statement “*ehei*” why do we require a *nazir* to be walking by? The “*ehei*” and *devarim shebalev* should be enough.

The *Achiezer* (II, YD, 19:3) explains that a *neder* requires two things. The first is that the *neder* must be articulated explicitly. The second is that speech alone is not enough and it must be with the intention of the *noder* (much like *kinyanim*).

For the first requirement, *devarim she'balev* never helps. Yet with respect to this requirement, the *Torah* introduced the concept of *yadot*. In other words, even a partial articulation is enough provided it is indicative enough toward the *neder*. Therefore in our case we require the *nazir* to be walking by to ensure the term “*ehei*” satisfies the first requirement.

The *Rashba* is addressing the second requirement. The person must have intention for the *neder* to take affect, for the “transaction” to occur. Provided that they do not contradict the clear action, *devarim she'balev* in this case are considered.

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Revision Questions

נדרים י' ח' י"א י"ב

- Complete the following rule: (י' ח')
הפרת נדרים כל _____
 - Explain how that rule can be both stringent and lenient. (ח' י')
 - Which two cases are debated as to whether they are *nedarim she'yesh bahem inui*? (י"א: א')
 - 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: ד')
 - 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? (ח' א')
 - 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 divorced without a *ketubah* and why did the law change? (י"א: י"ב)
- נזיר א' א'
- 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')

Local Shiurim

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Sunday -Thursday

10 minutes before *Mincha*
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www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
14 th October ה' חשוון	15 th October ו' חשוון	16 th October ז' חשוון	17 th October ח' חשוון	18 th October ט' חשוון	19 th October י' חשוון	20 th October י"א חשוון
Nazir 1:2-3	Nazir 1:4-5	Nazir 1:6-7	Nazir 2:1-2	Nazir 2:3-4	Nazir 2:5-6	Nazir 2:7-8

