



Daf In Review – Weekly Chazarah

Maseches Nazir, Daf כו – Daf לב

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf כו---26-----

- The Gemara earlier quoted **R' Yochanan**, who said that there is a Halacha L'Moshe MiSinai that teaches that leftover money that was designated in an unspecified way for the korbanos of a nazir, are to be used for voluntary olos of the tzibbur.
 - **Q:** There are other cases besides nazir that have this halacha as well!? A Braisa says that excess unspecified money that was designated for bird korbanos of a person who has died should be used for voluntary korban olos of the tzibbur!? **A:** The Gemara answers, that the Halacha actually includes the case of the Braisa as well. The mention of nazir in the Halacha means to exclude the case of the following Braisa. The Braisa says, if someone was chayuv a chatas and then obligated himself to bring an olah, if he separated money “for my obligations”, the money may not be used for either obligation (these are 2 separate and distinct obligations, unlike the obligations of a nazir, metzora, etc., where it is one obligation). If this person died, leaving over this unspecified money, the money must be thrown into the Yam Hamelach.
- **R' Ashi** said, “unspecified money” is only when a person designates money for “my obligations”. However, if he says the money should be for “my chatas, my olah, and my shelamim”, even though he didn't specify which money should be for which korbon and stated it as a general statement on all of the money, that is considered money that was “specified” and would not be subject to the Halacha L'Moshe MiSinai.
 - **Others** say that **R' Ashi** said that even the statement that the money is “for my obligation” would be considered as specified money, because that would be understood as reference to his chatas.
- **Rava** said, if one designated money without specifying for the various korbanos, and he then separated money for his chatas from that unspecified money, the remaining money (which contains money for the olah and shelamim) is not subject to the Halacha L'Moshe MiSinai (which would require it to be used for voluntary olos of the tzibbur), because the Halacha only applies when there is chatas money mixed in there as well.
 - A Braisa says like **Rava**, that if there is no chatas money mixed into the unspecified money, the money is not subject to the Halacha, and would therefore not be used for voluntary olos of the tzibbur.
- **R' Huna in the name of Rav** said, the Halach L'Moshe MiSinai only applies to unspecified *money* that was designated for the nazir korbanos. However, if an animal was designated to be sold and the proceeds used for the nazir korbanos, it would be considered “specified”, and therefore not subject to the Halacha.
 - **R' Nachman** said, this is only if the animal that was designated did not have a mum. If it did, it would be considered as unspecified.
 - The Gemara says, metal bars are not considered unspecified money, and are therefore not subject to the Halacha. **R' Nachman bar Yitzchak** said that they are considered unspecified money, but a stack of beams would not be considered as unspecified money.

-----Daf לב---27-----

- The Gemara stated the opinion of Amora'im that the status of “unspecified money” applies only to actual money or to things that are easily converted to money, but not animals, metal bars, or stacks of beams. **R' Simi bar Ashi** asked **R' Pappa**, would that mean they would also hold that birds are considered to be “specified”? We have learned that **R' Chisda** said that birds only become specified at the time of purchase if specified by the owners or by the Kohanim when they are offered!? **R' Pappa** said, based on your reasoning there is a Mishna that is problematic. The Mishna says that **R' Shimon ben Gamliel** says that if a nazir brought 3 animals for his korbanos, without specifying which animal should be used for which korbon, the halacha is that we use the appropriate animal for each of the korbanos. Now, you have just said that animals not specified at the time of

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their designation are not considered to be specified. If so, how can these be offered!? **R' Simi bar Ashi** answered, regarding birds we learn from a pasuk that the designation must be either at the time of purchase or at the time of offering, which teaches that if not designated at the time of purchase they remain unspecified until the Kohen specifies them at offering. Regarding the korbanos in the Mishna it is also considered to be specified at the time of designation, because each animal is only fit for one of the korbanos (e.g. the chatas must be a female lamb, the olah must be a male lamb, and the asham must be a ram).

- **Q: R' Hamnuna** asked, how can we say that an animal with a mum is considered to be like unspecified money? A Braisa says that if a man was a nazir and he separated unspecified money for his korbanos and he then died, and his son then said "I am hereby a nazir on the condition that I can use the money set aside by my father to pay for my korbanos", he may do so. However, if they were both nezirim and the father set aside money, the son may not use the money and the money must be used to buy olos for the tzibur. Also, if he specified animals to use, the son may not use those animals. Now, presumably the Braisa is even referring to animals with a mum, and we see that they are given the status of money that was specified!? **A:** The Braisa is only discussing animals without a mum.
 - **Q:** If the Braisa means to say that an animal with a mum would be considered as unspecified money, why does the Braisa use the example of where the father left over unspecified money? Why not use the example of where the father left over an animal with a mum!? **A:** In essence that is what the Braisa is saying. An animal with a mum only has monetary kedusha – which is essentially the same as money itself.
 - **Q:** The Gemara quotes a long Braisa. The Braisa makes mention that a person cannot use the animals separated by his father for his father's nezirus, for his own nezirus. The Gemara asks, this seems to include an animal with a mum, and we see that an animal with a mum is *not* given the status of unspecified money (since a son would be allowed to use the unspecified money of his father for his own nezirus korbanos)!? **A:** The Braisa is only discussing animals without a mum.
 - **Q:** If the Braisa means to say that an animal with a mum would be considered as unspecified money, why does the Braisa use the example of where the father left over unspecified money to illustrate a case of where the son could use his father's assets for his own korbanos? Why not use the example of where the father left over an animal with a mum!? **A:** In essence that is what the Braisa is saying. An animal with a mum only has monetary kedusha – which is essentially the same as money itself.

-----Daf כח--28-----

MISHNA

- If a woman was a nezirah and the blood of one of her concluding korbanos was offered on the Mizbe'ach, the husband can no longer be meifer the nezirus (at that point she is no longer assur to drink wine or become tamei). **R' Akiva** says, even if just one of the korbanos was *shechted* (and its blood not yet offered) the husband can no longer be meifer.
 - This machlokes only applies when bringing the korbanos at the conclusion of a tahor nezirus. However, if she is bringing the korbanos of a tamei nazir, the husband can be meifer at any point, because the korbanos bring about the start of a period of nezirus, and he can say that he does not want a wife who is holding back from mutar things like drinking wine, etc.
- **Rebbi** says, he may even be meifer after the offering of the blood of the concluding korbanos if she has not yet shaved her head, because he can say that he doesn't want a wife with a shaven head.

GEMARA

- Our Mishna does not follow **R' Eliezer**, because he holds that the nezirus restrictions continue until the nazir shaves his head. This would mean that **R' Eliezer** would hold that a husband can be meifer until the shaving of the hair (because she has the nezirus restrictions up until that point).

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- The machlokes between the **T”K and R’ Akiva** in our Mishna is based on the following. The **T”K** holds that as soon as the blood of any of the 3 korbanos is offered, the nezirus restrictions are over, therefore giving no reason for the husband to be meifer. **R’ Akiva** holds that if we allow hafarah after the shechita it would lead to the shechted animals going to waste (the offering and eating can no longer be done, because he was already meifer). Therefore, we do not allow hafarah once the animal has been shechted.
 - **Q: R’ Zeira** asked, a Braisa teaches that if the blood of a korbon is offered with intent for a different korbon, the owner has not fulfilled his obligation, but the korbon may be eaten. If so, according to **R’ Akiva** why do we say that the korbon will go to waste? Why can’t the korbanos be offered with intent for another korbon, and this will allow them to be eaten and not wasted!? **A:** This is only true for an Olah or a Shelamim. **R’ Akiva** is discussing where the *chatas* was shechted, and a chatas offered with a different intent is passul, and therefore does go to waste.

BAMEH DEVARIM AMURIM B’TIGLACHAS TAHARAH...

- The **T”K** says that a man can’t be meifer to prevent his wife from shaving her head, because she can always wear a wig, and therefore it is not considered something that is subject to hafarah. **R’ Meir** holds that a husband may be disgusted by a wig, and therefore shaving her head is subject to hafarah.

MISHNA

- A man may declare his son to be a nazir, but a woman may not.
 - If the son shaves his head (to show rejection of his father’s declaration) or relatives shave the boy’s head, or if the son or relatives verbally protest, and the father had already designated specified animals for the son to bring upon the conclusion of his nezirus, the chatas must be left to die, the Olah is to be brought as a voluntary Olah, and the Shelamim is to be brought as a voluntary Shelmaim which may only be eaten for one day and need not be offered along with the various breads normally brought by a nazir along with his shelamim.
 - If the father had designated unspecified money for the korbanos, the money should be used for voluntary olos for the tzibbur.
 - If he had designated specified money, the money for the chatas is to be thrown into the Yam Hamelach and would be assur to benefit from but would not be subject to me’ilah; the money for the olah should be used to buy a voluntary olah which would be subject to me’ilah; and the money for the shelamim must be used to bring a voluntary shelmaim which may only be eaten for one day and need not be offered along with the various breads normally brought by a nazir along with his shelamim.

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GEMARA

- **Q:** Why is it that a man may make his son a nazir but a woman may not? **A: R’ Yochanan** said, it is a Halacha L’Moshe MiSinai. **R’ Yose the son of R’ Chanina in the name of Reish Lakish** said, it is because a father must train his son to do mitzvos, and this is considered training to do nezirus.
 - **Q:** If it is so that the son should be trained, the mother should be able to do so as well, because a mother also trains her children!? **A:** He holds that only a father is obligated to be mechanech his children, and a mother is not.
 - **Q:** According to **R’ Yochanan** we can understand why a son may be made a nazir but a daughter may not (this is all the Halacha allowed). However, according to **Reish Lakish**, why can’t a father make a daughter into a nezira as well? **A:** He holds that a father is only obligated to be mechanech his son, and not his daughter.
 - **Q:** According to **R’ Yochanan** we can understand why a father may only make his son a nazir, but may not subject him to other nedarim (this is all the Halacha allowed). However, according to **Reish Lakish**, why can’t a father subject his son to other nedarim to be mechanech him as well? **A:** The Mishna would allow that as well. The Mishna is saying, not only may he make him subject to other nedarim, which don’t deprive the child, but he may even subject him to nezirus, which deprives him of wine as well.

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- **Q:** According to **R' Yochanan** we can understand why the son or the family may protest the father's designation (this is what the Halacha allowed). However, according to **Reish Lakish**, why can they protest? Can they protest a father trying to teach his son to do mitzvos!? **A:** This can be an embarrassing form of chinuch for the child, and the **Rabanan** therefore gave the child the right to protest.
- **Q:** According to **R' Yochanan** we can understand why a son may shave his head at the end of the nezirus even though he will be over the lav of "lo sakifu" (this is what the Halacha allowed). However, according to **Reish Lakish**, how can he be over the D'Oraisa? **A:** He holds that shaving the entire head is only an issur D'Rabanan. We therefore say that the mitzvah of chinuch which is D'Rabanan trumps the D'Rabanan of shaving the entire head.
- **Q:** According to **R' Yochanan** we can understand why a son may bring a korbon at the conclusion of the nezirus (this is what the Halacha allowed). However, according to **Reish Lakish** how can he bring a korbon when he is not truly obligated? **A:** He holds that shechting chullin in the Azarah is only assur D'Rabanan, and the D'Rabanan of chinuch trumps it.
- **Q:** According to **R' Yochanan** we can understand why a son may bring the korbanos if he becomes tamei and the Kohen may eat the bird which was killed with melika (as opposed to shechita). However, according to **Reish Lakish** how can he eat a bird that was not properly shechted? **A:** He holds like **R' Yose the son of R' Yehuda** who says that D'Oraisa a bird need not be shechted before eating, and that bringing chullin into the Azarah is only assur D'Rabanan.
 - **Q:** How can we say that **R' Yose the son of R' Yehuda** holds that way? In a Braisa **R' Yose the son of R' Yehuda** says that the reason the bird chatas of a woman that is brought for a safek is not eaten is because doing so possibly involves two issurim – presumably the two issurim are the bringing of chullin to the Azarah, and the eating of a bird that was not properly shechted. We see that he holds these are D'Oraisa!? **A:** **R' Acha the son of R' Ika** said, it may be that it is assur to eat it, because doing so looks like he is being over 2 D'Rabanan issurim, which is why the **Rabanan** said it should not be eaten.
- **Q:** Maybe we can say that the machlokes between **R' Yochanan and Reish Lakish** is the same as between the Tanna'im of a Braisa. The Braisa says, **Rebbi** says a father has the right to declare his son a nazir until the son is a full adult (he brings shtei saaros). **R' Yose the son of R' Yehuda** says he may do so until the boy is old enough to make nedarim, which is when he reaches 12 years and a day. Presumably we will say that **Rebbi** holds that a father may make his son a nazir based on a Halacha L'Moshe MiSinai, and therefore the right continues until adulthood, whereas **R' Yose** holds he may do so based on his chinuch obligation, and since chinuch with respect to nedarim ends at 12 years old, his right to make him a nazir ends then as well!? **A:** It may be that all agree that it is based on a Halacha L'Moshe MiSinai. The machlokes is that **Rebbi** holds that the concept of a 12 year old boy being fit to make a neder is only D'Rabanan, whereas **R' Yose** says it is a D'Oraisa. **A2:** It may be that all agree that the right to make the son a nazir is based on his chinuch obligation, and that the concept of a 12 year old boy having the ability to make a neder is only D'Rabanan. **Rebbi** holds that the chinuch D'Rabanan trumps the D'Rabanan concept that a 12 year old has the ability to make a neder, and **R' Yose** holds that the D'Rabanan concept trumps the chinuch.
- We can say that the machlokes of **Rebbi and R' Yose** is the same as the machlokes between the Tanna'im in the following Braisa. The Braisa says that when **R' Chanina's** father declared him to be a nazir, **R' Chanina** was brought to **R' Gamliel** to check if he had shtei saaros. **R' Yose** says he was brought to be checked if he had reached the age where he had the ability to make nedarim. We can see that the **T"K and R' Yose** argue whether the right to make a son a nazir ends at adulthood or at the age of ability to make nedarim.
 - The Braisa continues and says that **R' Chanina** told **R' Gamliel**, "There is no need to check me. In either case I will be a nazir. If I am still a minor, I will be a nazir based on my father's declaration. If I am an adult, I will make my own declaration of nezirus". **R' Gamliel** kissed him on his head and said, "I am certain that this boy will be a posek in Klal Yisrael". In just a short time, these words came to be.

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- **Q:** The Gemara feels that **R' Chanina** said to **R' Gamliel**, if I have reached the capacity to make nedarim then I will be a nazir on my own, and if I have not yet reached that age, I am a nazir based on my father's declaration. If so, this is a clear proof to **R' Yose!**? **A:** **Rebbi** will explain that **R' Chanina** said, if I have not yet grown shte saaros I will be a nazir based on my father's declaration, and if I have, I will be a nazir based on my own declaration.
- **Q:** According to **Rebbi**, how could **R' Chanina** have brought korbanos at the end of the nezirus term? If he grew shte saaros during the term of nezirus, neither his father's nezirus nor his own nezirus had a full 30 day term!? According to **R' Yose** this is not difficult to understand, since if he reached the capacity to make nedarim in middle of his father's term, the term would not automatically end, but according to **R' Yehuda**, who says it is dependent on shte saaros, the arrival of shte saaros would make it end immediately!? **A:** According to **Rebbi**, the only thing **R' Chanina** could do is keep a term of nezirus for 60 days. In that way he could be sure that he had a full 30 day nezirus either before becoming an adult or after, and in that way he would be chayuv to bring the korbanos.

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MISHNA

- A man can bring korbanos for his own nezirus from the assets that his father had set aside for his own nezirus, but a woman may not do so.
 - How is this so? If a son and his father were both nezirim at the same time and the father separated unspecified money for his nezirus obligations and the father then died, **R' Yose** says the money is to be used for voluntary olah offerings of the tzibbur, and the son may not use this money for his own nezirus obligations.
 - What is the case where a son may use his father's nezirus assets for his own nezirus obligation? If the father was a nazir and he separated unspecified money for his nezirus obligations and he then died, and the son then accepts nezirus on himself on the condition that he can use his father's nezirus money for his own obligation, he may use that money for his own obligation.

GEMARA

- **Q:** Why is nezirus different in that a son may use the designated money of his father for his obligation? **A:** **R' Yochanan** says it is a Halacha L'Moshe MiSinai that allows this.
- **Q:** It is obvious that a daughter could not use her father's money for her nezirus obligation, because only a son inherits his father, and not a daughter!? **A:** The chiddush is that even if there are no sons, in which case the daughter inherits, the Halacha teaches that she may still not use that money for herself.
- **Q:** Do the **Rabanan** argue on **R' Yose** of the Mishna or not? If they do argue, do they argue on the first case (and say that even when they are nezirim together the son may use the father's money for his obligation) or do they only argue on the last case (and say that even then the son can't use the money)? **A:** A Braisa says that **R' Eliezer, R' Meir, and R' Yehuda** all say that even in the first case of our Mishna the son would be able to use the funds of his father for the nezirus obligation.
- **Q:** **Rabbah** asked, what if there are two sons who are nezirim (in a case where they would be able to use the money the father had designated)? Do we say that the Halacha is meant to follow the laws of inheritance, and therefore each son is entitled to use half the money, or do we say the Halacha is independent of the laws of inheritance, and therefore whoever accepted the nezirus first is entitled to full use?
 - **Q:** **Rava** asked, what if one son was a bechor and the other was not, do we follow the laws of inheritance and the bechor gets a double portion of these funds, or is the Halacha independent of these laws and either son may get full use of the funds? Even if we say it follows the laws of inheritance, maybe this is considered kodashim and the bechor does not get double of kodashim or maybe we say that this follows the general rules of inheritance?

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- **Q:** What if the father was a permanent nazir and the son is a regular nazir, or visa-versa? Do we say the Halacha was only said to apply to regular nezirus or not?
 - **Q:** If we say that since they are both tahor nezirim it still applies, **R' Ashi** asked, what about if one of them was tahor and the funds that were separated for tumah korbanos are now going to be used for tahor nazir korbanos, or visa-versa? What would the halacha be? **A: TEIKU.**

HADRAN ALACH PEREK MI SHE'AMAR!!!

-----Daf 31-----

PEREK BEIS SHAMMAI -- PEREK CHAMISHI

MISHNA

- **B”S** say, a hekdesch made in error is still considered to be hekdesch. **B”H** say, a hekdesch made in error is not considered to be hekdesch.
 - What is an example of such a case?
 - If a person says “the black ox that comes out of my house first should become kadosh” and a white ox comes out of his house first, **B”S** say it becomes kadosh and **B”H** say it does not.
 - If a person says “the gold dinar that comes into my hand first should become kadosh” and a silver dinar comes into his hand first, **B”S** say it becomes kadosh and **B”H** say it does not.
 - If a person says “the barrel of wine that comes into my hand first should become kadosh” and a barrel of oil comes into his hand first, **B”S** say it becomes kadosh and **B”H** say it does not.

GEMARA

- **Q:** The Gemara assumes that **B”S** mean that the white ox, the silver dinar, and the barrel of oil become kadosh. Why do **B”S** hold that way? **A:** They learn the halacha from temurah. Just as temurah takes effect even when done in error, the same is regarding the onset of hekdesch. **B”H** say although that is true regarding temurah, it would not be true regarding the onset of hekdesch.
 - **Q:** Regarding temurah, although it takes effect even if done in error, it does not take effect in opposition to the person’s statement. If so, the same should be regarding the onset of hekdesch, and according to **B”S** the white ox should not become hekdesch!? **A: R’ Pappa** said, **B”S** mean that the first black ox to leave the house becomes kodesh (and not the white ox). This is because we understand the person’s statement to mean “whichever *black* ox comes out of the house *first*” will become kadosh.
 - **Q:** The Mishna said the person’s statement referred to only a single black ox, and **R’ Pappa** is explaining it to mean that there are a number of black oxen!? **A:** His explanation would only be appropriate when there is more than one black ox. **R’ Pappa** would explain that **B”H** hold that if this is what the person meant to say, he should not have said “from my house”.
 - **Q: Rava of Barneish** asked **R’ Ashi**, according to **R’ Pappa**, this is not a case of erroneous hekdesch! It is a case of a deliberate and carefully worded hekdesch!? **A:** Since we have to explain his statement differently than what would seem to be the simple understanding, we call it a case of erroneous hekdesch.
 - **Q:** Does **R’ Pappa** mean to say that **B”S** would hold that a case of true erroneous hekdesch would not be hekdesch? A Mishna says, if a person was a nazir and separated animals for his korbanos, and he then had the nezirus annulled, the animals lose all their kedusha and become chullin. **B”H** said to **B”S**, you clearly see from here that something made hekdesch in error is not hekdesch!? Now, from **B”H’s** statement we see that they felt that **B”S** do hold that a hekdesch made in error does become hekdesch!? **A: B”H** was mistaken and thought that **B”S** held that way, but in truth their shitah is based on the fact that the person’s statement was misleading.
 - **Q:** A Mishna later gives a case where a person accepts nezirus based on his feeling that a person approaching him is Reuven (a particular person), and another person there accepts nezirus based on his feeling that the person approaching is *not* Reuven (the Mishna continues building

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on the case until there are 6 people involved who have accepted nezirus), **B”S** say they all become nezirim. We clearly see that they hold that a nezirus (a hekdesch) in error is considered to be a nezirus (a hekdesch)!? **A:** It is no question that **B”S** hold that way. **R’ Pappa** is only saying that that is not the reason behind their shitah in our Mishna.

- **Abaye** said, the case of the Mishna is where the statement was made after the ox already left the house. The statement was “the black ox that *left* my house first should be hekdesch”. He is then told that a white ox left first. When he heard that he said “had I known a white ox left first I would not have said a black ox”. This is the reason why **B”S** say that the white ox becomes hekdesch.
 - Based on this explanation, we will have to also understand the other two cases of the Mishna as talking about where he already had the coin in his hand, and where he already had the barrel in his hand.
- **R’ Chisda** said, a black ox in a white herd cheapens the value of the herd (because a black ox is less valuable), and a white spot on a black ox is some form of disease.
 - **Q:** Our Mishna said that in the first case **B”S** say that the white ox becomes hekdesch. Now, we assume that people are stingy when they are makdesch items. If so, since **R’ Chisda** said that the white ox is superior, why is it that we say the white ox is what the person meant to make hekdesch!? You can’t answer and say that people are generous in the way they make things hekdesch, because in the second case **B”S** say that the silver coin (instead of the gold coin) becomes hekdesch!? Now, the 3rd case is also problematic, because they say that the barrel of oil, which is more expensive than wine, becomes hekdesch!? **A:** The last case is not problematic, because the Mishna may be referring to the Galil, where wine was more expensive than oil. The first case is also not problematic, because **R’ Chisda’s** statement was made regarding Karminai oxen (in such oxen, the white are more valuable).

MISHNA

- If a person accepted nezirus and then drank wine in violation of the nezirus, and then asked a Chochom to annul the nezirus and the request was refused, he counts the nezirus from the time of acceptance (and the drinking of the wine does not affect the counting of the days). If the Chochom annulled the nezirus and he had already separated animals for the korbanos, the animals lose their kedusha and become chullin.
 - **B”H** said to **B”S**, you agree that there is no kedusha in this case, and the reason is because it was an erroneous hekdesch! **B”S** responded, you agree that when one who is taking animal maaser and mistakenly calls the 9th animal or the 11th animal to leave the pen “the 10th”, that it becomes hekdesch, even though it was a mistake! **B”H** responded, that case is different because the pasuk teaches that the 9th and 11th become kadosh in those cases. It is *not* based on the fact that an erroneous hekdesch was made. This can be proven by the fact that if one labels the 8th or the 12th as “the 10th”, it would *not* become kadosh!

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GEMARA

- **Q:** A Braisa says, if a nazir didn’t live with his restrictions (e.g. he drank wine) for a number of days, he must then make up the days that he lived without the restrictions (e.g. if he drank wine for 40 days out of a 60 day nezirus, he must keep an additional 40 days of nezirus). **R’ Yose** says he must only make up a maximum of 30 days of nezirus. Now, our Mishna says that a nazir who drank wine counts the days towards his nezirus. This seems not to follow any shita of the Braisa!? **A:** We can say the Mishna follows **R’ Yose** and the Mishna is discussing a long term of nezirus, and the Mishna means to say that some days of the living without restrictions will be counted towards his nezirus (since according to **R’ Yose** only 30 days must be added). We can also say that the Mishna follows the **Rabanan**, and the Mishna means to say that he will have to count *like* the time from the beginning of his nezirus, meaning that he will have to repeat all the days that he lived without the nezirus restrictions.

NISHAL LACHACHOMIM V’HITIRUHU...

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- **R' Yirmiya** said, from the ruling of **B"Y** we can learn what **B"H** would hold in a particular case. We know **B"Y** hold that an erroneous hekdesch creates hekdesch. Still, in this Mishna they say that if the nezirus was not accepted properly, the animals that were made hekdesch lose all their kedusha. Similarly, when **B"H** say that a temurah done erroneously takes effect, that will only be if the original kadosh animal remains kadosh. However, if that animal were to be released of its kedusha, the temurah animal would be released as well.

AMAR MAR IY ATEM MODIM SHE'ILU KARA...

- **R' Nachman** said, that only a mistake can make the 9th animal kadosh, but if it was called the 10th deliberately, it would not become kadosh. **R' Chisda and Rabbah bar R' Huna** said, that a mistake and certainly a deliberate calling would make the 9th animal kadosh.
 - **Q: Rava** asked **R' Nachman**, according to you, when **B"Y** asked **B"H** from the case of maaser, why didn't **B"H** answer and say that maaser is different since the 9th and 11th animals cannot become kadosh if done deliberately!? **A: R' Simi bar Ashi** said, this would not have been a good answer, because **B"Y** would say we have a kal v'chomer! If maser, which would not become kadosh when done deliberately, still becomes kadosh when done by mistake, then hekdesch which does become kadosh when done deliberately, will surely become kadosh when done by mistake!
 - However, this kal v'chomer is not valid, because hekdesch becomes kadosh when done deliberately, as stated in the pasuk. It cannot be said that it is easier to become kadosh when done by mistake.

MISHNA

- If a person accepted nezirus assuming that he had the animals he would need for his korbanos, and he then found out that they were stolen, if he accepted nezirus before they were actually stolen, the nezirus cannot be annulled based on this. If the animals were stolen before he had accepted the nezirus, he is not a nazir.
 - This is a mistake that Nachum Hamadi made. When nezirim came from galus to bring their korbanos and found that the Second Beis Hamikdash was destroyed, Nachum said to them "if you would have known that the Beis Hamikdash would be destroyed would you have accepted nezirus?" They said they would not have accepted nezirus, and based on that Nachum released their nezirus. When the **Chachomim** heard about this they said, anyone who accepted nezirus before the Beis Hamikdash was destroyed must remain a nazir. Anyone who accepted nezirus after it was destroyed (but didn't know) is not a nazir.

GEMARA

- **Rabbah** said, we know that **R' Eliezer** holds that we may annul a neder based on a new development (nolad). From the fact that he does not argue in our Mishna, it must be that the **Rabanan** convinced him of their view and he ultimately agreed with them.
- **Rava** said, although the **Rabanan** hold that we may not release a neder based on nolad, they would agree that we can release a neder in a case that involved nolad to some degree. For example, if we would say to the nezirim in the Mishna, if when you were making your neder someone would have come to you and told you that the Beis Hamikdash would be destroyed, would you have still made the neder? If he says that he wouldn't have, his neder would be released.
- **R' Yosef** said, we have a pasuk which teaches that the second Beis Hamikdash was going to be destroyed. Therefore, if I would have been there, I would have told the **Rabanan** that since this was known, it is not considered to be nolad, and could be used to release them from their nedarim.
 - The Gemara says, although they knew it would be destroyed, since they did not know when, it is still called nolad.
 - **Q: Abaye** asked, a pasuk teaches that it would be destroyed 490 years after the destruction of the first Beis Hamikdash!? **A:** Still, since they did not know which day it would be destroyed, it is considered to be nolad.

MISHNA

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- Regarding the following case: There were 6 people walking down a road and a person was walking towards them. One of the six said “I am hereby a nazir that the person coming is Reuven”. The second person says “I am hereby a nazir that the person coming is not Reuven”. The third person says “I am hereby a nazir that one of you 2 are a nazir”. The 4th person says “I am hereby a nazir that one of you is not a nazir”. The 5th person says “I am hereby a nazir that both of you are nezirim”. The 6th person says “I am hereby a nazir that all of you are nezirim”. In this case **B”S** say that all six of them are nezirim. **B”H** say none of them are nezirim, except for the one whose words are not fulfilled. **R’ Tarfon** says not even one of them is a nazir. Now, if the person coming towards them turned around and walked away (thus making his identity unverifiable forever), none of the people are a nazir. **R’ Shimon** says, the person who made the neder should say, “if I was correct then I will keep nezirus as part of my neder obligation, and if I was incorrect, I hereby accept a new voluntary nezirus that I will now keep” (in this was he can certainly shave his head and bring the korbanos).

GEMARA

- Why does **B”H** say that the one whose words were *not* fulfilled becomes a nazir!? **A: R’ Yehuda** said, we must change the words to read “the one whose words *were* fulfilled”. **Abaye** said, **B”H** is referring to the case where the person said “if it is not Reuven I will be a nazir”, and **B”H** mean to say that if the first person’s words are not fulfilled (meaning that it was actually not Reuven), then this second person becomes a nazir.