



What about you?

The *Mishnah* (4:2) discusses a case where a husband declares that he wants to be *nazir* and then asks his wife if she wants to be one also. The *Mishnah* teaches that if she agrees, the husband can still *meifer* the *neder*. Recall we learnt previously that a husband can *meifer* (terminate) a *neder* his wife makes on the day he hears about the *neder*. If however he confirms the *neder* he can no longer *meifer* it. The *Mishnah* is teaching us that this case is not to be understood as the husband confirming his wife's *neder*. The *Mishnah* however continues, that if the wife declares that she wants to be a *nazir* and asks her husband if he also wants to be one, and he agrees, it would be considered as if he has confirmed his wife's *neder* and he would not be able to *meifer* her *neder*.

Concerning the first case the *Bartenura* explains that the ruling of the *Mishnah* only holds true when the husband asks his wife if she wants to be a *nazir*. If however he says, "I am a *nazir* and so are you" and she accepts, then he would not be able to *meifer* the *neder*. The *Bartenura* explains that his declaration would be understood as confirming her *neder*.

The *Tosfot R' Akiva Eiger* notes that the *Bartenura's* ruling, is consistent with *Abaye's* resolution of the apparent contradiction between our *Mishnah* and a *Beraita* cited in the *Gemara*. The *Tosfot R' Akiva Eiger* however argues with the *Bartenura's* explanation. He argues that we learnt previously (*Nedarim* 10:7) that confirmation prior to a *neder* is not significant.

Instead the *Tosfot R' Akiva Eiger* cites the *Tosfot* who explains that the *Beraita* is according to the opinion that when the husband is *meifer* the *neder* it uproots the *neder* from its core – it is as if it was never made. According to the *Beraita* if the husband said, "I am a *nazir* and so are you", it is as if he is hinging his own *nezirut* on his wife's acceptance. Consequently, if he were able to *meifer* her *neder* it would also effectively "*meifer*" his own, which he cannot do.

The *Tosfot R' Akiva Eiger* continues noting that the *Abaye's* distinction assumes that *hafarah* uproots the *neder*. He asserts that we however rule, that *hafarah* terminates or stops the *neder* from that point onward. Based on that understanding there would be no problem with the husband being *meifer* her *nezirut* as it would no longer impact his own. Consequently, whether the husband followed his own declaration with asking his wife or asserting that his wife join him in being a *nazir*, we would rule that he would still be able to *meifer* his wife's *nezirut*.

The *Lechem Mishneh* (*Nedarim* 13:13) however notes that the *Rambam* maintains *Abaye's* distinction yet also rules that *hafarah* terminates the *neder* at that point. This appears to go against the *Tosfot R' Akiva Eiger's* thesis. The *Lechem Mishneh* explains that the *Rambam* understands that when the husband says "I am a *nazir* and so are you" he is hinging his own *nezirut* on his wife's. Consequently, if *hafarah* was allowed, even if it was only effective from that point onward, it was still cancel his *nezirut* since it would break the condition of his own *nezirut*.

The *Tifferet Yisrael* however defends the *Bartenura's* position explaining that since all the components are in immediate succession (*toch ke'dei dibur*) it is considered as if the confirmation and *neder* are simultaneous. The *Rashash* (22b) cites this answer, however adds that the issue with the *kiyum* preceding the *neder* is only when the future *neder* is unknown. This case however is different as the husband is fully aware of the *neder* he is confirming (once accepted by his wife).

The *Tifferet Yisrael* however provides another answer in defence of the *Bartenura*. He explains that the manner of the husband's declaration indicates that his subsequent silence after his wife accepts the *neder* is to be understood as confirmation. This then ensures that the confirmation (his silence) occurs after the *neder* has been accepted.

Yisrael Bankier

Revision Questions

נזיר ג' ז' - ה' ו'

- testimonies regarding the duration for which a person accepted being a *nazir*. (ג' ז')
- If *Reuven* declared that he is a *nazir* and *Shimon* said “me too” is *Shimon* also a *nazir*? (ד' ז')
- Regarding the previous question, what is the law if *Reuven* (through *she'elat chacham*) had his *neder* undone? (ד' ז')
- If a woman declared that she is a *nezira* and her husband said “me too”, can he then be *meifer* her *neder*? (ד' ז')
- If the husband said “I am a *nazir* – and you?” and the wife responds “amen”, can he then be *meifer* her *neder*? (ב' ז')
- If a woman became a *nezira* is she punishable if: (ג' ז')
 - She drank wine and then her husband was *meifer* her *neder*?
 - Her husband was *meifer* her *neder* without her knowing about it and then she drank wine?
- If a woman became a *nezira* and separated animals for the purpose of the *korbanot* and her husband was then *meifer* her *neder* what is done with the animal? (Provide both cases). (ד' ז')
- Regarding the previous question, what if she separated money instead? (Provide both cases). (ד' ז')
- What are the four opinions regarding the point after which a husband cannot *meifer* his wife's *neder nezirut*? (ה' ז')
- Can a parent make their child a *nazir*? (ו' ז')
- In what case can a child use the money set a side for the *korbanot* for his parent's *nezirut* for his own *nezirut*? (Include both opinions) (ז' ז')
- Give three examples of *hekdesh ta'ut* and is it considered *hekdesh*? (ח' ז')
- If someone made a *nazir* declaration and thought perhaps it was not a genuine *nazir* declaration, then after sometime a *chacham* confirmed it indeed was, from when does he begin counting his *nezirut* time? (ט' ז')
- What did *Nachum HaMadi* rule regarding the *nezirim* that came from outside Israel and only then discovered that the *Beit Ha'Mikdash* was destroyed? (י' ז')
- Explain the three opinions regarding who are indeed *nezirim* in the following case: A group of six people sees someone approaching from a distance. One says “I am a *nazir* if that is *Ploni*”. The second says “I am a *nazir* if that is not *Ploni*”. The third person says, “I am a *nazir* if one of you two are a *nazir*”. The fourth says “I am a *nazir* if none of you are *nazirs*”. The fifth says (to the first two) “I am a *nazir* if both of you are *nazirs*”. The sixth says “I am a *nazir* if all of you are *nazirs*”. (יא' ז')
- Regarding the previous case, what is the law if they were never able to clarify if the person approaching was *Ploni*? (יב' ז')

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|-------------------|-------------------|-------------------|-------------------|--------------------|--------------------|--------------------|
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| Nazir 5:7-6:1 | Nazir 6:2-3 | Nazir 6:4-5 | Nazir 6:6-7 | Nazir 6:8-9 | Nazir 6:10-11 | Nazir 7:1-2 |

