



Understanding a Chazaka

The *Mishnah* (9:2) discusses a case where a *nazir* completed his term of *nazirut* and only after discovered that he was *tameh met*. The *Mishnah* teaches that in general it would mean that he would need to restart his *nezirut*. If however it was *tumat ha'tehom* – no one new that a person was buried in that location – then the person would be ok and not required to restart his *nezirut*. The *Bartenura* explains that this law of *tumat ha'tehom* is a *halacha le'moshe mi'sinai*. The *Mishnah* however qualifies this that if the *nazir* had not yet performed the final shaving, then he would need to restart the *nezirut*, even if it was *tumat ha'tehom*.

The *Mishnah* then continues with an example. If the *nazir* went to a *mikveh* during his *nezirut* and it was discovered that a *kezayit* from a *met* was floating there, it would ruin his *nezirut*. The *tumah* being exposed in this way, makes it *tumat yaduah* – known. If however it was buried beneath the *mikveh* then it would depend. If the *nazir* was *tahor* prior to immersing and he did so simply to cool off, he would be *tahor*. That is the classic case of *tumat ha'tehom*. The *Mishnah* however adds that if he went to the *mikveh* because he was *tameh*, then he would be *tameh*. In other word the law of *tumat ha'tehom* does not apply in that case. The *Gemara* explains “*chezkat tameh, tameh, chezkat tahor, tahor*”. In other words, in cases of doubt, we maintain the *chazakah* – the last known and established status. The *Gemara* also adds, “*she'ragliam le'davar*”. The last statement is used in the context of laws in the *Mishnayot* that follow, implying that there are grounds to make an assumption based on the evidence at hand. We shall try to understand its use in this *Mishnah*.

The *Bartenura* explains that the statement “*she'ragliam le'davar*” is explaining that it makes sense that the *halacha* of *tumat ha'tehom* is only when the *nazir* was *tahor* prior to issue. This is the opinion of the *Tosfot*. The *Tosfot Yom Tov* however finds this explanation difficult,

since it does not appear to add to the *chazakot* that were just described.

The *Tosfot Yom Tov* therefore cites the *Rambam's* explanation who understands that *regalaim le'davar* is the rationale why we follow a *chazaka*. Were we not to rely on the last established status in *halacha*, considering the possibilities in either direction we would not what to do. The rule to rely on a *chazakah* grounds us; it gives us “legs to stand on.”

The *Beit HaLevi* (II 22:8-9) explains that the debate between the *Tosfot* and the *Rambam* relates to their different understands of a the law of a *chazaka*. According to the *Tosfot*, a *chazaka* that relies on a future event to maintain the *chazaka* is not considered a *chazaka*. (He provides several examples that support this position.) In our case, even though the *nazir* was *tameh* before immersing in the *mikveh*, for him to be *tameh* after he emerges it would require that he came into contact with that *tumat met* in the *mikveh*. Put simply, it requires this additional event to occur. That being the case, according to the *Tosfot*, it would not be considered a *chazaka*. Instead, the case depends on whether it is considered a case of *tumat ha'tehom*. That is why the *Tosfot* understand that *raglaim le'davar* relates to understanding the scope of the law of *tumat ha'tehom*.

The *Beit HaLevi* continues that the *Rambam* rules (*Nazir* 6:20) that “...if he went down to cool off he would be *tahor* until he knows that he touched the *met* that was floating in the *mikveh*”. The *Beit HaLevi* comments that it is clear that the ruling is based on the law of *chazakah*. Consequently, the *Rambam* argues with the *Tosfot* and understands that a *chazakah* is built on the last known halachic status even if it depends on a later event to maintain that status.

Revision Questions

נזיר ו' ח' – ט' ד'

- What was done with the *nazir*'s hair once it was shaved? (ח': ו')
- Explain how the *nazir*'s *shlamim* was offered? (ט': ו')
- From what point would the *nazir* once again be allowed to become *tameh met*? (ו': ט')
- What is the law if after the *tiglachat*, one *korban* is found to be *pasul*? (Be specific) (ו': י')
- Explain the debate regarding a *nazir* that became *tameh* after the *korbanot* were offered, yet prior to the *tiglachat*. (א"י: א')
- Can a *nazir* and *kohen gadol* become *tameh met* for a relative? (א': ו')
- If a *nazir* and *kohen gadol* come across a *met mitzvah* who should become *tameh met* to bury the body? (א': ו')
- List some of the forms of *tumat met* which causes a *nazir* to forfeit all the days already observed forcing him to restart? (ב': ו')
- What are the three ways a *nazir* attracts the *tum'ah* described in the previous question? (ב': ו')
- On which days of the purification process is the *nazir* sprinkled with *mei effer haparah*? (ב': ו')
- From when does the *nazir* restart his count after coming into contact with a *met*? (ב': ו')
- List some of the forms of *tumat met* that do not cause a *nazir* to forfeit all the days already observed? (ג': ו')
- Regarding the previous questions, would the *nazir* be required to bring a *korban* as a result of becoming *tameh met* in those manners? (ג': ו')
- If a *nazir* become a *zav*, do those days of *tumat hazav* count towards his *nezirut*? (ג': ו')
- According to *R' Eliezer* for what other *halacha* is the distinction between forms of *tumat hamet* important? (ד': ו')
- What is the law regarding a case where a person says to two *nazirs*, "I saw that one of you became *tumat hamet* but I am not sure which one"? (ח': א')
- Regarding the previous case, what are the two opinions if one of the *nazirs* then dies? (ח': א')
- What is the law regarding a *nazir* that is *tameh b'safek* and *muchlat b'safek*? (ב': ח')
- Can a *goi* become a *nazir*? (א': ט')
- What is the difference between where a person is *meifer* his wife's *neder* to become a *nazir* and where a person is *meifer* his servant's *neder* to become a *nazir*? (א': ט')
- Which form of *tumat hamet* does not forfeit any days, if it is discovered after a *nazir* has completed his term? Provide an examples of this form of *tumat hamet*. (ט': ב')
- When is an area defined as *shechunat kevarot* and why is it important? (ג': ט')
- What are the seven ways to check a *zav* and after which point do these checks not apply? (ט': ד')

Shiurim

ONLINE SHIURIM

Yisrael Bankier
mishnahyomit.com/shiurim

Rabbi Reuven Spolter
mishnah.co

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

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

APPS

Mishnah Yomit
mishnahyomit.com

All Mishnah
Orthodox Union

Mishna Yomi
Our Somayach, South Africa

Kehati

**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
5 May כ"ז ניסן	6 May כ"ח ניסן	7 May כ"ט ניסן	8 May ל' ניסן	9 May א' אייר	10 May ב' אייר	11 May ג' אייר
Nazir 9:5 - Sotah 1:1	Sotah 1:2-3	Sotah 1:4-5	Sotah 1:6-7	Sotah 1:8-9	Sotah 2:1-2	Sotah 2:3-4

