



Volume 9. Issue 26

## Miktzat Hayom Kekulo

The *Mishna* in the third perek of *Masechet Nazir* describes the process that a person must go through on the day he finishes his period of *Nazirut*. If this person had made a *stam Nazirut* (ie. an unspecified period) he must wait the minimum time period for a *Nazir*, that is 30 days. The *Mishna* states that following this, the *Nazir* must bring his *korbanot* and undergo the shaving procedure on Day 31. However, if this person brought them on Day 30 he would be *yotze b'dieved*. The reason for this is due to the concept of *miktzat hayom kekulo* (a partial day is equivalent to a full day).

This case of a *stam Nazirus* is distinct from a case where one does specify the time period of his *Nazirut*. If one was to make a specific vow to be a *Nazir* for 30 days, and shaves and brings the *korbanot* on Day 30, he does **not** absolve himself - even *b'dieved*. The *Rambam* is of the opinion that wherever one specifies a time period, for example 30 days, he means 30 full days - and cannot use this concept of *miktzat hayom kekulo*.

There is a *girsra* in the *Gemara* (*Nazir* 5b) that explains this case where a person specifies the time period in a straightforward way. The *Gemara* states that when this person took on his *Nazirut*, he specifically mentioned in his vow that he was referring to 30 full days. The *Rosh* states that since he has mentioned full days in his vow, we do not allow him to use the leniency of *miktzat hayom kekulo*.

The *Rosh* also brings another version of the *Gemara* there which states that it is "as if he was referring to full days". The *Rosh* explains that according to this version - we are stringent on a person where he specifies a 30 day time period. This is because had he not specified we would automatically allow him to use the partial day as a full day. However, since he mentioned a 30-day time period, which is superfluous, we act stringently with him and do not allow him to be absolved by fulfilling a partial day only.

There is a practical difference between the opinions of the *Rambam* and the *Rosh*. According to the *Rambam*

whenever someone mentions a time period, they mean full days. The *Rosh* however holds that one must only count full days where the language they are using is superfluous. Therefore, in a case where one was to make a *Nezirut* vow for more than 30 days, (for example 100 days) and shave and bring *korbanot* on the last day (day 100) the *Rambam* and *Rosh* would be in disagreement as to the validity of this service. The *Rosh* would hold that since vowing to be a *nazir* for 100 days is not superfluous (as one specifies a time period that is different to an unspecified *Nazir*), we would hold *miktzat hayom kekulo* and the service is valid *b'dieved*. The *Rambam* however would hold that since a time period was specified, we do not use the concept of *miktzat hayom kekulo*, and the service would be invalid.

The *Tosafot* brings another reason for a difference in the law between someone who makes a *stam Nezirus* and one who vows to be a *Nazir* for 30 days. *Tosafot* say that when one makes a *stam Nezirus* he has intention to be bound by all laws of *Nazir* as they are written and explained in the *Torah*. In this case then we can use this law derived from the *Torah* - which is a partial day counts as a full day. However, one who makes a specific time period for his *Nezirut* is essentially 'rejecting' the *Torah's* default *Nazir* period and is replacing it with his own - therefore we apply the laws of *Nedarim* which state that we go by "*Lashon bnei Adam*" - which means 30 full days.

The question is asked why *miktzat hayom kekulo* does not apply at the end of the term - but at the beginning of the *Nazirut* term - all agree that being a *nazir* for even part of the first day counts for a full day. *Rabbeinu Peretz* answers that there is a difference at the end of the term where the *Nazir* is looking to be absolved of a *chiyuv*. To explain further, there is no room for leniency and allow a partial day to count for a full day where one must complete a day to fulfill his *Nazirut* vow. However, at the beginning of the term, the reality of the situation is that one cannot do more than a portion of the day (i.e. if he made the *neder* halfway through the day), so *miktzat hayom kekulo* does apply.

Yehuda Gottlieb

### Revision Questions

נויר בי טי די:הי

- Provide a practical difference between a person that says “I am a *nazir*, and also a *nazir* when I have a child”, and a person that says, “I am a *nazir* when I have a child, and also a *nazir*”. (בי:טי)
- If someone said “I am a *nazir* when I have a child, and also a *nazir* for 100 days”, when would the duration of his *nezirut* be greater than 130 days? (בי:טי)
- With what acceptance of *nezirut*, after which, if one cuts his hair on the thirtieth day is it (*bedi'eved*) acceptable, and when is it not? (א:טי)
- If someone accepts two *nezirut* on which days does he cut his hair? (גי:בי)
- What did *R' Papyas* testify about, regarding the previous question? (גי:בי)
- Explain the debate regarding a *nazir* that becomes *tameh* on the thirtieth day. (גי:טי)
- Explain the debate regarding a 100-day *nazir* that becomes *tameh* on the one-hundredth day. (גי:די)
- Explain the debate regarding a 100-day *nazir* that becomes *tameh* on the one-hundred and first day. (גי:די)
- What is the law regarding a person that declares he is a *nazir* while standing in a cemetery? (הי:גי)
- What is the law regarding a *nazir* that enters a cemetery? (הי:גי)
- What is the law regarding a person that was a *nazir* outside Israel, then moved to Israel? (גי:רי)
- For how many years was *Hilni Ha'Malka* a *nezira* and why? (גי:רי)
- Explain the debate regarding two conflicting sets of testimonies regarding the duration for which a person accepted being a *nazir*. (גי:רי)
- If *Reuven* declared that he is a *nazir* and *Shimon* said “me too” is *Shimon* also a *nazir*? (די:א)
- Regarding the previous question, what is the law if *Reuven* (through *she'elat chacham*) had his *neder* undone? (די:א)
- If a woman declared that she is a *nezira* and her husband said “me too”, can he then be *meifer* her *neder*? (א:די)
- If the husband said “I am a *nazir* – and you?” and the wife responds “amen”, can he then be *meifer* her *neder*? (די:בי)
- If a woman became a *nezira* is she punishable if: (גי:די)
  - 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). (די:די)
- Regarding the previous question, what if she separated money instead? (Provide both cases). (די:די)
- What are the four opinions regarding the point after which a husband cannot *meifer* his wife's *neder nezirut*? (הי:די)

### Local Shiurim

#### Melbourne, Australia

**Sunday -Thursday**  
10 minutes before *Mincha*  
Mizrachi Shul  
Melbourne, Australia

**Friday & Shabbat**  
10 minutes before *Mincha*  
Beit Ha'Roeh  
Melbourne, Australia

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#### Efrat, Israel

*Shiur in English*

**Sunday -Thursday**  
Rabbi Mordechai Scharf  
9:00am  
Kollel Magen Avraham  
Reemon Neighbourhood

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#### ONLINE SHIURIM

*Rabbi Chaim Brown*  
[www.shemayisrael.com/mishna/](http://www.shemayisrael.com/mishna/)

*Rav Meir Pogrow*  
[613.org/mishnah.html](http://613.org/mishnah.html)

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

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#### 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
28 <sup>th</sup> October י"ט חשוון	29 <sup>th</sup> October כ' חשוון	30 <sup>th</sup> October כ"א חשוון	31 <sup>st</sup> October כ"ב חשוון	1 <sup>st</sup> November כ"ג חשוון	2 <sup>nd</sup> November כ"ד חשוון	3 <sup>rd</sup> November כ"ה חשוון
Nazir 4:6-7	Nazir 5:1-2	Nazir 5:3-4	Nazir 5:5-6	Nazir 5:7-6:1	Nazir 6:2-3	Nazir 6:4-5

