



Nazir Chutz La'Aretz

The fourth *perek* of *Eduyot* lists the cases where *Beit Hillel* ruled more stringently than *Beit Shammai*. One of the cases (4:11) is where a person accepted a long term of *nezirut* outside of *Eretz Yisrael*, completed it there and then came to *Eretz Yisrael*¹. Recall that the *Chachamim* recognized that in *chutz la'aretz*, it was difficult to know the location of *tumat ha'met*. Consequently, the *Chachamim* made a *gezeira* to treat anything in *chutz la'aretz* as being *tameh met* – *tumat eretz ha'amim*. Also remember that we learnt that if a *nazir* becomes *tameh met* he must restart his term of *nezirut*. That being so, in our case *Beit Shammai* maintains that the *nazir* must be a *nazir* for thirty days when coming to Israel whereas *Beit Hillel* maintains that he must start his *nezirut* from the beginning.

The *Bartenura* explains that due to the *gezeira*, *nezirut* does not apply in *chutz la'aretz* and the person is obligated to immediately come to Israel to fulfil his *neder*.

The *Rambam* (*Mishnah Nazir* 3:6) explains that it is not possible to be observed *nezirut* in *chutz la'aretz*. When the *Tosefta* mentions that it is observed there that is

simply by way of a *kenas* (fine). Consequently, he must go to *Eretz Yisrael*. When he arrives there, the debate is simply the extent of the (second) *kenas* applied regarding what *nezirut* he must observe there.²

The *Tosfot Yom Tov* (*Nazir* 3:6) suggests that if the person did go to *Eretz Yisrael* immediately then *Beit Shammai* would agree that the full long term of *nezirut* would need to be observed³. Nevertheless, he admits that it does not seem to be the understanding of the *Rambam* as cited above. That would seem to support that simple reading that according to the *Rambam*, there is no *nezirut* in *chutz la'aretz*.

The *Tosfot Yom Tov* however understands the obligation for the *nazir* to go to is *Eretz Yisrael* is itself a *knas*. Since *tumat eretz ha'amim* is rabbinic, he could complete his *nezirut* in *chutz la'aretz*. There is no urgency to go immediately. The *knas* however is that at the end, he must go there and become a *nazir* (the duration of which is debated).⁴

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¹ The *Tosfot* (*Nazir* 19b) explains that at the end he must come to *Eretz Yisrael* in any case, since the *nezirut* is only completed once he brings the required *korbanot*.

² The *Rambam* (*Nezirut* 2:21) explains that *kenas* would apply even today. The person would be obligated to go to Israel and, since he would not be able to bring the *korbanot* to end his *nezirut*, he would need to live his life out there as a *nazir*. The *Raavad* however disagrees. Considering that everyone nowadays is *tameh met*, in this respect, there would be no difference if stayed or went.

³ Interestingly the *R' Peretz* explains that if the *nazir* came in the middle of the *nezirut*, *Beit Shammai* would not require him to do an

additional thirty days at his completion. That is because that *kenas* was simply that he observes the minimum duration of *nezirut* in *tahara* in *Eretz Yisrael*.

⁴ He uses this understanding to explain the continuation of this *Mishnah* in *Nazir* (3:6) that explains that this was indeed the case with *Hilni HaMalka* who accepted a seven-year *nezirut* and then went to *Eretz Yisrael*. If a *nazir* is obligated to immediately go to *Eretz Yisrael*, it is difficult to understand why she was allowed to be there for the full seven years before going.

Revision Questions

עדינות ג' י"ב – ה' א'

- Which three things does *R' Elazar ben Azarya* permit, yet the *Chachamim* forbid? (ג' י"ב)
- How many laws listed does *Beit Hillel* rule more stringently than *Beit Shammai*? (ד')
- What are the opinions of *Beit Shammai* and *Beit Hillel* regarding:
 - An egg that was laid on *Yom Tov*? (ד' א') For what other items that are “born” on *Yom Tov* does everyone agree is *mutar*? Is *assur*? (ד' ב')
 - The minimum measure of *se'or* and *chametz* that are *assur* on *Pesach*? (ד' א')
 - Slaughtering a *chaya* or *ohf* on *Yom Tov*? (ד' ב')
 - *Hefker*? (ד' ג')
- If a sheaf is left in the field, next to which four things does *Beit Shammai* maintain that it is not *shichecha*? (ד' ד')
- Which two laws applying to *ma'aser sheni*, does *Beit Shammai* maintain do not apply to *kerem reva'i*? (ד' ה')
- Who maintains that *peret* and *olelot* do not apply to *kerem reva'i*? (ד' ו')
- When do *Beit Shammai* and *Beit Hillel* agree that a barrel containing olives undergoing pickling need not be punctured? (ד' ז')
- If a person immerses in a *mikvah* covered in oil, what is the difference between if the oil was *tameh* before or after it was applied? (Include both opinions.) (ד' ח')
- What is a *get yashan* and explain the debate regarding whether it can be used? (ד' ט')
- When do *Beit Shammai* and *Beit Hillel* agree that a man that is *meyached* with his ex-wife in a *pundeki* need not give her another *get*? (ד' י')
- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding *tzarot ervah* and what are three implication of this debate. (ד' י"א)
- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding the power of a *ma'amar* and what case is brought as an implication of this debate. (ד' י"ב)
- What are the two opinions regarding the limit to how long a man can make a *neder* regarding his wife and *tashmish mita*? (ד' י"ג)
- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding:
 - Putting *tzitzit* on linen clothing.
 - Untithed fruit placed in a basket set aside for *Shabbat*. (ד' י"ד)
 - A person that accepted and completed many terms of *nezirut* outside Israel and then moved to Israel.
 - Two contradicting sets of witnesses who testify regarding the number of terms of *nezirut* a person accepted. (ד' י"ה)
- Regarding which case do *Beit Shammai* and *Beit Hillel* argue whether a person's body can join two *ohalim*? (ד' י"ו)
- What are the six case that *R' Yehuda* listed that *Beit Shammai* is more lenient than *Beit Hillel*? (ד' י"ז)

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
6 April ה' ניסן	7 April ט' ניסן	8 April י' ניסן	9 April י"א ניסן	10 April י"ב ניסן	11 April י"ג ניסן	12 April י"ד ניסן
Eduyot 5:2-3	Eduyot 5:4-5	Eduyot 5:6-7	Eduyot 6:1-2	Eduyot 6:3-7:1	Eduyot 7:2-3	Eduyot 7:4-5

