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Intro

Today we will מסכת נזיר of דף ס"ב learn בע"ה of מסכת נזיר of דף ס"ב. Some of the topics we will learn about include.

A continuation of the Pesukim that refer to עכו"ם regarding עכו"ם and נדרים μ

The Mishnah's Halachos of

כופה את עבדו

ואינו כופה את אשתו

The master MAY compel his servant who is a Nazir to violate the איסורי נזיר, and the נזירות is then suspended. However, a husband may NOT compel his wife who is a Nazir to violate the איסורי.

מפר נדרי אשתו

ואינו מפר נדרי עבדו

A husband can nullify his wife's נזירות on the day he heard about it, but a master cannot nullify his servant's נזירות.



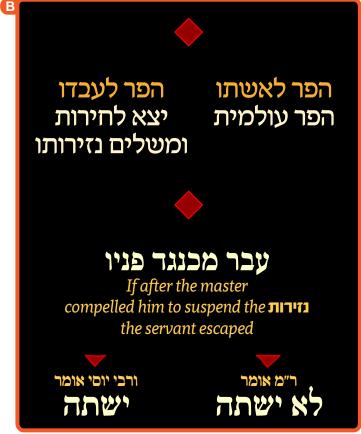
הפר לאשתו הפר עולמית הפר לעבדו יצא לחירות ומשלים נזירותו

If the husband nullified his wife's נזירות, it is nullified forever. Even if they subsequently divorce, the נזירות does NOT then take effect.

However, if the master compelled his עבד to violate the איסורי נזיר, the נזירות is only suspended temporarily, and if the עבד is subsequently freed, he must then fulfill the נזירות.

The Machlokes רבי מאיר and רבי יוסי regarding עבר מכנגד פניו

If after the אדון was אדון, the servant escaped from his master, is the servant permitted to drink wine?
And the two understandings for this Machlokes









Some of the terms and concepts we will learn about include

ערכין

If someone takes on to donate the ערך, the assessment, of another person, the מעריך pays הקדש an arbitrary sum based on the age of the other person, the נערך.

There is a Machlokes whether עכו"ם are eligible for ערכין. Some say that

עכום מעריך

ולא נערך

A non-Jew can take on the ערך of a Yisroel, but cannot be the subject of an ערך made by a Yisroel.

Others say vice versa, that

עכו"ם נערך

ולא מעריך

A עכו"ם CAN be the subject of an ערך made by a Yisroel, but cannot take on the ערך of a Yisroel.



A Machlokes regarding מופלא סמוך לאיש, whether a 12 year old boy can make his own Nedarim מדאורייתא, or only מדרבנן

שמואל's Halachah of המפקיר עבדו יצא לחירות וא"צ גט שיחרור

If an אדון makes his slave הפקר, ownerless, the slave immediately becomes completely free, and he does NOT a גט שחרור, a document of release.





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1 So let's review ...

The Gemara in the previous Daf mentioned that עכו"ם אין מעריכין אבל נערכין

A non-Jew may NOT take on ערכין, the assessment of another person. However, he MAY be the subject of ערכין made by a Yisroel, because the Pasuk that refers to ערכין states:

דבר אל בני ישראל ואמרת אליהם איש כי יפליא נדר בערכך נפשות לה The words בני ישראל teach that בני ישראל מעריכין בני ישראל מעריכין ואין העכו"ם מעריכין

But the following word איש includes עכו"ם somewhat, in that

עכו"ם נערכין



The Gemara now asks, איש כי יפליא נדר בערכך בערכין למה לי האיתקש ערכין לנדרים Why is the word איש needed to include ערכין for ערכין? עכו"ם were already included by the ערכין of ערכין to Nedarim? As the Pasuk states; איש כי יפליא נדר בערכך And the עכו"ם teaches that just as עכו"ם are included in Nedarim, as the Pasuk states איש איש מבית ישראל וגו' אשר יקריב קרבנו לכל נדריהם ולכל נדבותם איש איש teaches that עכו"ם נודרין נדרים ונדבות כישראל A non-Jew can donate voluntary Korbanos. So too, עכו"ם are eligible for ערכין in that עכו"ם נערכין However, as mentioned earlier, עכו"ם אין מעריכין Because of the words בני ישראל





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The Gemara offers several solutions

1.

לאיתויי מופלא סמוך לאיש

The word איש is needed to include a 12-year-old Yisroel that he may accept his own ערכין.

2.

OR

לאיתויי מופלא סמוך לאיש דעובד כוכבים To include even a 12-year-old עכו"ם, that he may accept his own ערכין.

OR
 לאיתויי עכו"ם גדול לאית"ב דאע"ג דגדול הוא
 אינו יודע להפלות

The word איש includes an adult עכו"ם in the exclusion of להפליא, that if he does NOT comprehend Nedarim, he's disqualified from ערכין.

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The previous Mishnah concludes with

חומר בנשים מבעבדים

The נזירות of women is in a way more stringent than נזירות of slaves;

שהוא כופה את עבדו

ואינו כופה את אשתו

The master MAY compel his servant to violate the איסורי גזיר, and the נזירות is suspended. However, a husband may NOT compel his wife to violate איסורי נזיר.

The next Mishnah continues with

חומר בעבדים מבנשים

The נזירות of slaves is in a way more stringent than נזירות of women;

שהוא מיפר נדרי אשתו

ואינו מיפר נדרי עבדו

A husband can nullify his wife's נזירות, but he cannot nullify his slave's נזירות.

The Mishnah continues;

הפר לאשתו

הפר עולמית

הפר לעבדו

יצא לחירות ומשלים נזירותו

If the husband nullified his wife's נזירות, it is nullified forever. Even if they divorce, the נזירות does NOT then take effect.

However, if the master compelled his עבד to violate the איסורי נזיר, the נזירות is only suspended temporarily, and if the עבד is subsequently freed, he must then fulfill the נזירות.





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The Gemara cites a Braisa that elaborates; למה רבו כופו? לנזירות אבל לא לנדרים ולערכין

The Gemara at first understood this statement to be teaching that the master can only compel his עבד to violate עבד to violate איסורי נזיר, but cannot compel him to violate his נדרים וערכין.

However, the **G**emara asks that this would not be so. He would be able to compel his עבד to violate נדרים וערכין as well, because they can both be derived from the same Pasuk regarding Nedarim;

לאסור איסר על נפשו

And the word נפשו teaches

במי שנפשו קנויה לו

יצא עבד שאין נפשו קנויה לו

Only an independent person can accept נדרים ונזירות; but an עבד, who is NOT independent, CANNOT accept נדרים without the נזירות without the נזירות ונזירות









Therefore, אביי explains that the Braisa's statement is understood as follows:

?למה רבו צריך לכפותו

לנזירות

ואין צריך לכפותו לנדרים ולשבועה

He only needs to use כפיה regarding נזירות, because it took effect; but he does NOT need to use כפיה regarding נדרים trer it does NOT take effect at all.

And the Braisa explains; because the Pasuk regarding שבועה states;

או נפש כי תשבע וגו' להרע או להיטיב

A person is liable for a שבועה for something bad or good. There is a היקש, a comparison, of הרעה to הטבה.

מה הטבה רשות

אף הרעה רשות

Just as doing something good is optional, doing something bad must also be something that's optional.

This excludes a שבועה that is

להרע לאחרים

שאין הרשות בידו

If it's detrimental to others, it cannot take effect, because he has no right to harm others. Therefore,

אין צריך לכפותו לנדרים ולשבועה

שאין הרשות בידו

The עבד cannot make Nedarim and עבד which weaken his strength and affect his work, because it's detrimental to his master.

However,

צריך לכפותו לנזירות

Even though ניירות can also potentially weaken him; however, as Tosfos explains.

נזירות חל על דבר שאין הרשות בידו

נזירות takes effect even in a situation where he has NO right to do that; as the Gemara earlier on דף דף 'derives from a Pasuk

שבועה שאשתה וחזר ואמר הריני נזיר אתיא נזירות חיילא על שבועה

If someone made a שבועה to drink wine, and then took on to become a Nazir, the נזירות overrides the שבועה, and he may NOT drink wine.

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Zugt Di Mishnah

עבר מכנגד פניו

If after the master compelled him to suspend the נזירות, the servant escaped;

ר"מ אומר לא ישתה

ורבי יוסי אומר ישתה

רבי מאיר holds that the עבד may NOT drink wine anymore. While רבי יוסי holds that he MAY drink wine.



8 The Gemara first says לימא בדשמואל קמיפלגי דאמר שמואל המפקיר עבדו יצא לחירות וא"צ גט שיחרור

They disagree in Shmuel's ruling that if a master declares his slave ownerless, he becomes free immediately, and does not require a release document. As Tosfos explains; כיון שברח העבד

מסתמא נתייאש ממנו האדון

והיינו הפקר

When the servant escaped, the master most likely gave up hope of getting him back, which is the equivalent of surrendered ownership.

Therefore, the מחלוקת is as follows: ר"מ אומר לא ישתה

Because

אית ליה דשמואל

He agrees with שמואל"s Halachah that the עבד becomes a free man. Therefore, as the previous Mishnah rules, יצא לחירות משלים נזירותו

The נזירות now takes effect.

רבי יוסי אומר ישתה

Because

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לית ליה דשמואל

He disagrees with שמואל Halachah, and the servant does NOT become free. Therefore, the נוירות does not take effect because he is still under the jurisdiction of his master.









The Gemara answers that this is not necessarily so, דכולי עלמא אית להו דשמואל

They both generally agree with שמואל 'S Halachah that when a master makes his slave הפקר he becomes free. However, in our Mishnah's case, the master was NOT get, and he is NOT free; and therefore, the נזירות does NOT take effect since his master objected.

And the Machlokes is something else entirely ר"מ אומר לא ישתה

Because

ליהוי ליה צערא

כי היכי דליהדר גביה

The אדון wants his servant to suffer from the lack of wine, which will then compel him to return, and as Tosfos explains

אין האדון מקפיד כשאינו אצלו

The master does NOT care for the עבד's well being while he is away, and he is NOT concerned that this may affect his health.

While

רבי יוסי אומר ישתה

Because

סוף סוף מיהדר הדר ואתי גביה

There is no need to compel the servant to return, because he will eventually return on his own. Therefore, לישתי חמרא כי היכי דלא ליכחוש

The אדון wants him to drink wine, because he DOES care for the עבד's well being while he is away, since this could affect the עבד's performance upon his return.





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