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ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**  
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**TALMUDIC METHODOLOGY**  
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**THE NATURE OF *NEZIRUT***

By pledging "*nezirut*," a person embraces the added responsibilities of avoiding wine products, refraining from haircuts and shaving, and avoiding impurity. Is the process of generating *nezirut* fundamentally different from generating any other specific prohibitions through a vow? Any person can personally prohibit an item for use by making a *neder* (vow) to ban its utility. Perhaps *nezirut* is nothing more than a preprogrammed package of prohibitions, and the act of generating *nezirut* is merely one of embracing these prohibitions.

Alternatively, deciding upon *nezirut* may, in fact, be similar to generating a debt or obligation. The *nazir* obligates himself to serve a "sentence" of *nezirut* – a specific period of time characterized by certain behavior. He dedicates this period to expanded religious consciousness and "owes" this "debt" in the same manner that a person can invite financial obligation. At a practical level, he is forbidden to drink and shave, but the act of generating this experience is more akin to inviting debt and less to creating object-oriented prohibitions.

This fundamental question regarding the nature of the *nazir's* prohibitions was voiced by the Brisker Rav and concerns the heart of *nezirut*.

The Brisker Rav noted the interesting *halacha* regarding a *nazir* who pledges *nezirut* while standing in a cemetery, a site of impurity antithetical to his *nezirut*. The *gemara* in *Nazir* (15) cites a disagreement between Rabbi Yochanan, who claims that the *nezirut* devolves in typical fashion in this case, and Reish Lakish, who believes that its advent is impeded.

The Brisker Rav asserts that the experience of impurity isn't subversive to *nezirut*; after all, if a *nazir* becomes impure during his *nezirut* term, he can return to his *nezirut* after becoming pure. Evidently, the location of a

cemetery and the immediate impurity therein may constrict the act of *accepting nezirut*. Presumably, if a *nazir* merely designated certain prohibitions through a vow, the immediate and even intrinsic failure to comply would not stall the induction of the prohibitions. He immediately establishes various prohibitions and may, indeed, be in immediate violation of one of them. The violation should not deter the installation. However, if a *nazir* accepts a "debt" to dedicate an impurity-free period, he accepts OBLIGATIONS, not isolated prohibitions. If he stands in immediate non-compliance of his debt, the debt itself cannot generate. Certainly Reish Lakish's opinion may reflect the installation of *nezirut* as more than simply isolated prohibitions.

Another indication that establishing *nezirut* may entail an acceptance of a "period of behavior" stems from a *gemara* that debates the relevance of *bal t'acher* for a *nazir*. Typically, the command of *bal t'acher* demands prompt delivery and processing of a sacrifice. The *gemara* in *Nedarim* (3a) compares a *nazir* to a sacrifice, which is often triggered by a "vow type" dedication of an animal. Just as a delay in the delivery of a sacrifice constitutes *bal t'acher*, a delayed *nezirut* may be in similar violation. The *gemara* assumes – based on a textual equation between vows and *nezirut*- that *bal t'acher* does indeed apply even to the latter situation. Indeed, the simple connotation of this equation suggests that a delay in the ACUTAL PERIOD of *nezirut* violates *bal t'acher*, thereby solidifying our sense that *nezirut* is actually an obligation to conduct a period of behavior characterized by certain prohibitions. If *nezirut* merely entailed assorted prohibitions, *bal t'acher* would be difficult to envision.

However, the *gemara* in *Nedarim* (3a) quotes two opinions that trace the *bal t'acher* of *nezirut* to the vestigial sacrifices of a *nazir*. By identifying *bal t'acher* ONLY in the peripheral sacrifices rather than within the fulfillment of the base *nezirut*, these positions may be reminding us that *nezirut* is merely an acceptance of assorted prohibitions and that, fundamentally, *bal t'acher* does not apply to the delay of the *nezirut* proper. *Bal t'acher* can only be breached by a *nazir* who unnaturally delays his required sacrifices.

A separate issue which may revolve around the identity of *nezirut* surrounds the ability to be "*matfis*" upon *nezirut* to create a new *nezirut*. Since a *neder* (vow) can change the status of an item as forbidden, it can serve as the source for *hatfasah*. For example, if a person asserts that this bread should be similar to another bread, which has already been banned

through a vow, the second bread acquires the forbidden status as if an entire oath had been directly formulated about its status.

Unlike a *neder*, a *shevua* (oath) does not alter the status of an item but merely creates a personal obligation to perform or avoid the stipulated action. By swearing to eat bread, the author must fulfill his oath and eat; by swearing NOT to eat, he must similarly abide by his *shevua* and avoid the bread. Hence, *hatfasah* cannot occur upon a *shevuah*, since no item has been invested with a status that can be spread to other items.

What about *nezirut*? Would *hatfasah* be feasible? Presumably, this question would revolve around the status of wine in the aftermath of acceptance of *nezirut*. If a *nazir* creates a prohibition against wine, presumably he may "borrow" from that status and spread it to other items. However, if acceptance of *nezirut* basically accepts a debt of "conduct" for a certain time period and the Torah demands certain behavior, the items *per se* do not become invested with prohibited status and cannot serve as baselines to spread prohibited status to other items.

Raising a similar question to the one the Brisker Rav formulated, the *Avnei Miluim* (response 22) cites various positions about the *hatfasah* potential of a *nazir*, and it seems that the debate is based on the Brisker Rav's fundamental question. In addition, the *Rishonim* addressed this issue; does a *nazir* create an *issur cheftza* (an object-oriented prohibition) or merely an *issur gavra* (a personal obligation)? See the Ritva to *Nedarim* (3), who asserts that the prohibition is an *issur cheftza*, while the Rosh in his commentary to *Nedarim* (2b) claims it is an *issur gavra*.

Finally, this question would also impact the novel concept of overlapping *nezirut*. Typically, Halakha does not allow overlapping identities of *issur* (forbidden status). If an item already possesses a comprehensive *issur* status, it cannot receive an additional status. This principle is known as "*ein issur chal al issur*." Yet the *gemara* in *Nedarim* (18a) claims that a person can accept two *neziruts* and is obligated to fulfill them in succession. If *nezirut* is simply an establishment of a prohibition against assorted items (wine, etc.), a second *nezirut* should not logically be tenable.

In fact, the Ritva believes that the viability of overlapping *nezirut* must indicate a general exception for object-oriented *nedarim* of prohibition.

Although Halakha in general does not allow overlapping *issurim*, a *neder* is different, as evidenced by overlapping *nezirut*. The Ritva saw little room to differentiate between a *neder* and *nezirut* and he understood the overlapping *nezirut* condition as characteristic of *nedarim* in general.

In contrast, the Ran claims that no overlapping object-based prohibitions can occur and asserts that *nezirut* is unique in allowing overlapping units. Perhaps the Ran believed that a *nazir* does not merely identify assorted objects as prohibited but embraces a debt of behavior. Just as a person can invite numerous debts (he can borrow money once and then borrow again and create an additional obligation), he can similarly incur multiple debts of behavior even though they seem to overlap. Presumably, the Ran and the Ritva disagree about the nature of *nezirut*.