

16.3.4

19b → 20b (מסנה ו) → סיום הפרק

Note: the גמרא in שבת records that in the 1st century, a series of decrees were passed regarding טומאה, one of them was a decree that all land outside of Israel should be considered טמא – and anyone going there treated as a טמא מת. As such, taking a vow of נזירות in ח"ל is tantamount to taking a vow of נזירות while in a cemetery

7. וְזֹאת תֹּרַת הַנְּזִיר בְּיוֹם מְלֵאתָ יָמֵי נְזָרוֹ וְבִיא אֶתוֹ אֶל פֶּתַח אֹהֶל מוֹעֵד: בַּמִּדְבָּר פֶּרֶק ו' פְּסוּק יג

I א"י חוץ לארץ and its proper completion in משנה ו'

a If someone took a series of נזירות and completed them in חוץ לארץ and then came to א"י

i ב"ש: complete another 30 days

ii ב"ה: complete full amount of נזירות as his original commitment

1 suggestion: perhaps ב"ש hold that the original decree (see note) was on the earth of ח"ל, and ב"ה thought it was even on the air (hence, more severe)

2 rejection: all hold it was on the earth only

(a) ב"ש: the decree only necessitates a minimal נזירות

(b) ב"ה: the decree necessitates a full נזירות

iii story: Queen Helena (queen in Adiabene, a kingdom near the Upper Tigris river, who converted along with her sons in the 1st century) made a vow of נזירות for 7 years conditioned on her son returning safely from war; he returned and she practiced נזירות for 7 years; she then made עלייה and ב"ה instructed her to keep another 7 years. On the final day, she became טמאה – and had to keep another 7 – totaling 21 years of נזירות

1 ר' יהודה: she was only a נזירה for 14 years

(a) question: what was ר' יהודה's position?

(i) did ר' יהודה disagree with the facts of the story (she never became טמאה) and follows ב"ה's thinking – and therefore kept only 14 years?

(ii) Did ר' יהודה agree about the facts (she became טמאה) but supports ב"ש

1. proof: from the fact that he mentioned 14 years, it seems that he supports ב"ה's read but disagrees about the facts (she wasn't טמאה)

a. argument: had he held like ב"ש, it would have been 7 years and 60 days (30 for completing the נזירות and 30 for the נזירות-טהרה – this follows רמאירי's version of the text, as well as that of the רא"ש, which is, in any case, hard to decipher)

2. support: ר' יהודה quotes ר"א and his application of v. 1 – if he becomes טמא on the day of his completion, he only practices 30 more days (ר"א's opinion is found in משנה ג: above)

a. Proof: ר' יהודה wouldn't add 7 more years in any case, so he must've held that she never became טמאה and otherwise holds like ב"ה

II ז' conflicting testimony about the amount of נזירות taken (and he claims he doesn't remember or denies it all)

a if one set of witnesses testifies that he vowed 2 נזירות and another testifies that he vowed 5

i ב"ש – conflicting testimony – no נזירות at all

ii ב"ה – 2 is included in 5 – we have affirmative testimony to 2

1 alternate version (ר' ישמעאל בנו של ר' יוחנן בן ברוקה) – all agree that if there are 2 sets (as above), there is affirmative testimony to 2, since 5 includes 2; dispute is in case where one set of witnesses comes, and the witnesses conflict – one says "2" and the other says "5"

(a) רב: all agree that if they enumerate, there is conflicting evidence

(i) question: what is the case?

1. if 1 witness said "he said 2 and not 5" and the other says "5 and not 2"

a. there's obviously contradictory testimony

2. if 1 witness said that he heard "1 and 2" and the other said he heard "3, 4 and 5" –

a. it's obvious that there's no contradiction, since the testimony of the more serious (3-5) includes and subsumes the less serious (1 and 2)

b. note: in א"י they maintain that if one counts a number and the other counts a higher number, there is no contradictory testimony, since the larger number includes the smaller number