

לְטַעֲמֵיהוּ דְּבֵית שַׁמַּי קָאֲמְרִי: לְדִידָן – אֲפִילוּ לָא קָמַת נְמִי לָא הָוֵי נְזִיר, לְדִידְכוּ דְאֲמַרְיָתוּ הָוֵי נְזִיר – אֹדְדוּ לָן מִיְהִית דְּתוֹרַפִּיָּה דְהָדִין גְּבַרָא מְשׁוּם דְּרַבִּיֶּעָא, וְהָא קָמַת. וּבֵית שַׁמַּי: לָאו תוֹרַפִּיָּה דְהָאִי גְבַרָא מְשׁוּם אֹקְמָה בְּיַדִּיהָ הוּא – וְהָא לָא אֹקְמָה.

The Gemara answers: They stated their opinion in accordance with the reasoning of Beit Shammai: According to our opinion, even if the cow does not stand he is also not a nazirite, since naziriteship takes effect only if he vowed that products of the vine are forbidden to him. However, according to your reasoning that you say he is a nazirite, in any event concede to us that this man's intention is based upon the fact that the cow was prone, and it has stood, so the naziriteship should not take effect. And Beit Shammai hold: Isn't this man's intention based upon him having it stand by his own hand, and he did not have it stand? Since his condition was not fulfilled, the naziriteship does not take effect.

Perek II
Daf 11 Amud a

מתני' מִזְגוּ לוֹ אֶת הַכּוֹס, וְאָמַר "הֲרִינִי נְזִיר מִמֶּנּוּ" – הֲרִי זֶה נְזִיר. מַעֲשֵׂה בְּאִשָּׁה אַחַת שֶׁהִיְתָה שׂוֹכְרָה, וּמִזְגוּ לָהּ אֶת הַכּוֹס, וְאָמְרָה "הֲרִינִי נְזִירָה מִמֶּנּוּ". אָמְרוּ חֲכָמִים: לֹא נִתְבַּוְּנָה זֶה אֶלָּא לֹאמַר "הֲרִי הוּא עָלַי קֶרְבָּן".

MISHNA If they poured one a cup^h of wine and he said: I am hereby a nazirite and therefore will refrain from it, he is a full-fledged nazirite who must observe all the *halakhot* of naziriteship. An incident occurred with regard to a certain woman who was intoxicatedⁿ from wine, and they poured a cup for her and she said: I am hereby a nazirite and therefore will refrain from it. The Sages said: This woman did not intend to accept naziriteship but rather, meant to say: It is hereby forbidden to me as an offering. She vowed against deriving benefit from that cup alone, since she did not want to drink any more.

גמ' מַעֲשֵׂה לְסִתּוֹר? אֲמַרְתָּ רִישָׁא "הֲרִי זֶה נְזִיר". וְהָדָר תִּנִּי "מַעֲשֵׂה בְּאִשָּׁה אַחַת". אֲלֵמָא בְּהָאִי הוּא דְאָסוּר, הָא יִינָא אַחֲרִינָא – שְׂרִי!

GEMARA The Gemara asks: Was an incident cited to contradict the previous ruling? You said in the first clause of the mishna that if one said that he is hereby a nazirite and therefore will refrain from a cup that was poured for him, then he is a nazirite. And the *tanna* then teaches: An incident occurred with regard to a certain woman who said: I am hereby a nazirite and therefore will refrain from it, which the Sages interpreted as a vow rendering the cup forbidden to her like an offering. Apparently it is only with regard to this cup of wine that is forbidden to her; consequently, any other wine is permitted, and she is not a nazirite.

חֲסוּרֵי מִיְחִסְרָא וְהִכֵּי קָתַנּוּ: מִזְגוּ לוֹ אֶת הַכּוֹס וְאָמַר "הֲרִינִי נְזִיר מִמֶּנּוּ" – הֲרִי זֶה נְזִיר. וְאִם שׂוֹכְרָה הוּא, וְאָמַר "הֲרִינִי נְזִירָה מִמֶּנּוּ" – אֵינּוּ נְזִיר; מֵאִי טַעֲמָא – כַּמְאֵן דְאָמַר "הֲרִי עָלַי קֶרְבָּן" הוּא. וְכִי תַעֲמָא: לִימָא הִכֵּי – סָבַר: מִיִּתֵּינָא לִי אַחֲרִינָא וּמַצְעֵרֵן לִי, אִימָא לְהוּ הָא מִיִּלְתָּא דְפְסִיקָא לְהוּ; וּמַעֲשֵׂה נְמִי בְּאִשָּׁה אַחַת.

The Gemara answers: The mishna is incomplete and is teaching the following: If they poured a cup of wine for one and he said: I am hereby a nazirite and therefore will refrain from it, he is a nazirite. And if he is intoxicated and they pour a cup of wine for him and he said: I am hereby a nazirite and therefore will refrain from it, he is not a nazirite. What is the reason for this? He is considered to be like one who said: This cup is forbidden to me like an offering. The Gemara asks: And if you would say that this was his meaning, let him say so explicitly; why would he say: I am hereby a nazirite and therefore will refrain from it? The reason is because he maintains: If I specify this cup, they will bring me anotherⁿ cup and aggravate me with it. It is better that I say to them this statement, which is definitive to them, and they will understand that I do not want to drink any more wine. The mishna continues: And an incident also occurred with regard to a certain woman who was intoxicatedⁿ and took this vow, and the Sages explained her statement accordingly.

מתני' "הֲרִינִי נְזִיר עַל מְנַת שְׂאֵהָא שׂוֹתָה" וְיִינָא וּמִיִּשְׂמָא לְמַתִּים" – הֲרִי זֶה נְזִיר, וְאָסוּר בְּכּוֹלָן.

MISHNA If one says: I am hereby a nazirite on the condition that I will be allowed to drink^h wine and may become ritually impure from corpses, i.e., he wishes to be a nazirite only with respect to the growth of his hair, he is a full-fledged nazirite and is prohibited from engaging in all of the behaviors forbidden to a nazirite, including consuming products of the vine and contracting impurity from a corpse.

HALAKHA

מִזְגוּ לוֹ אֶת הַכּוֹס – If they poured one a cup, etc. – ר"כ: If a cup of wine was poured for an individual and he said: I am hereby a nazirite and therefore will abstain from it, he is a nazirite (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 1:11).

And an incident also occurred with regard to a certain woman – רמ"עשה נמי באשה אחת: If one was depressed or a mourner, and when his friends attempted to persuade him to drink to relieve his misery he said: I am hereby a nazirite and therefore will abstain from it, only that cup is forbidden to him, and he is not a nazirite. Similarly, if one was intoxicated and, when a cup of wine was poured for him, said: I am hereby a nazirite and therefore will abstain from it, only that cup is forbidden to him. If he was completely intoxicated, like Lot, his statement is entirely disregarded (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 1:11–12).

I am hereby a nazirite on the condition that I will drink, etc. – הר"ני נזיר על מנת שאהא שותה וכו': If one said: I am hereby a nazirite on the condition that I may drink wine, or: That I may become impure from corpses, he is a nazirite, and all of the prohibitions of naziriteship apply to him, since he cannot stipulate counter to what is written in the Torah (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 1:13).

NOTES

Who was intoxicated [*shikkora*] – שְׂהִיְתָה שׂוֹכְרָה: A variant version of the text reads: *Shikolet*, instead of: *Shikkora*, meaning that she did not want to drink wine because she was bereaved [*shekula*]. This reading is followed in the Rambam's Commentary on the Mishna (see Rav Kapah's version), and the Rambam similarly rules in the *Mishne Torah* that if one was in mourning or otherwise in despair, and upon being offered wine to assuage his pain said: I am hereby a nazirite and therefore will abstain from it, he meant to render only this cup forbidden to himself, and he is not a nazirite.

They will bring me another – מִיִּתֵּינָא לִי אַחֲרִינָא: The Rosh and other commentaries explain that it is common for people to pressure an intoxicated person to drink more. This person therefore forces them to stop offering him more to drink. Conversely, a sober person who is not being pressured by anyone to drink would state that he is a nazirite only if he actually wanted to be a nazirite. If he wanted to vow that only the cup before him is forbidden to him, he would word his statement in the following manner: It is forbidden to me like an offering.

I know that there is naziriteship, etc. – יודע אני שיש נזירות – וכו': If one vows to be a nazirite and then says he did not know that a nazirite is prohibited from drinking wine, contracting impurity from corpses, or cutting his hair, he is nevertheless a nazirite and is bound by all of these prohibitions (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:14).

I thought that the Sages would permit me, etc. – קבור – הִייתי שְׁחָכְמִים מִתִּירִין לִי וְכו': If one vowed to be a nazirite and was aware of the relevant prohibitions but thought that the Sages would permit him to drink wine because he needs to, or that they would permit him to contract impurity from corpses because he earns his living by burying the dead, he is not a nazirite, as it is considered an unwitting vow (Rambam *Sefer Hafla'a* *Hilkhot Nezirut* 1:15; see Ra'avad and *Kesef Mishne* there).

Stipulates counter to that which is written in the Torah – המתנה על מה שכתוב בתורה: If one stipulates a condition that contradicts a mitzva of the Torah, the condition is entirely disregarded (Rambam *Sefer Nashim*, *Hilkhot Ishut* 6:8–10, 12:7; *Sefer Hafla'a*, *Hilkhot Nezirut* 1:13; *Sefer Zera'im*, *Hilkhot Mattenot Aniyim* 5:8; and *Sefer Zera'im*, *Hilkhot Bikkurim* 9:1; *Shulhan Arukh*, *Yoreh De'a* 61:29; *Even HaEzer* 38:5, 69:6; and *Hoshen Mishpat* 26:3–4, 61:6, 97:28).

”יודע אני שיש נזירות אבל אני יודע שהנזיר אסור בין” – הרי זה אסור, ורבי שמעון מתיר. ”יודע אני שהנזיר אסור בין, אבל סבור הייתי שחכמים מתירין לי מפני שאין אני יכול לחיות אלא בין” או ”מפני שאני קובר את המתים” – הרי זה מותר, ורבי שמעון אוסר.

גמ' ולפלוג נמי רבי שמעון ברישא! אמר רבי יהושע בן לוי: חלוק היה רבי שמעון אף ברישא.

רבינא אמר: ברישא לא פליג רבי שמעון; מאי טעמא – משום דהוה ליה מתנה על מה שכתוב בתורה, וכל המתנה על מה שכתוב בתורה – תנאו בטל. ורבי יהושע בן לוי אמר לך: [האי] ”על מנת” – ב”חוי” דמי.

תנאי בנותיה דרבינא: אמר ”הריני נזיר על מנת שאהא שותה יין ומיטמא למתים” – הרי זה נזיר, ואסור בבולן, מפני שהוא מתנה על מה שכתוב בתורה, וכל המתנה על מה שכתוב בתורה – תנאו בטל.

”יודע אני שהנזיר אסור בין” והאמרת רישא: אסור, ורבי שמעון מתיר! אימא נמי: הרי זה אסור, ורבי שמעון מתיר. ואיבעית אימא: לעולם לא תיפוך, הָתָם

If one stated a vow of naziriteship and then said: I know that there is naziriteship,^h but I do not know that a nazirite is prohibited from wine, he is prohibited in all the prohibitions of naziriteship. But Rabbi Shimon permits him, since he holds that naziriteship takes effect only if the person accepts all the relevant prohibitions. If one said: I know that a nazirite is prohibited from wine, but I thought that the Sages would permit me^h to drink wine because I cannot live without wine, or: I thought that the Sages would allow me to contract impurity from corpses because I bury the dead, he is permitted and the vow of naziriteship does not take effect, but Rabbi Shimon prohibits him.

GEMARA In the second case of the mishna, where one states that he did not know that the prohibitions of naziriteship include wine, Rabbi Shimon says that the naziriteship does not take effect because he did not include all of the prohibitions in his vow. The Gemara therefore asks: **Let Rabbi Shimon disagree with the first tanna in the first clause in the mishna as well**, where one said: I am hereby a nazirite on the condition that I may drink wine. **Rabbi Yehoshua ben Levi said:** In fact, **Rabbi Shimon disagrees even with the first tanna in the first clause** of the mishna, and the mishna's statement: Rabbi Shimon permits him, is referring to both clauses.

Ravina said: **Rabbi Shimon does not disagree with the first tanna in the first clause** of the mishna. **What is the reason for that?** It is because one was stipulating counter to that which is written in the Torah by attempting to limit an explicit Torah law, and with regard to anyone who stipulates counter to that which is written in the Torah,^h his stipulation is void. The statement: I am hereby a nazirite, remains valid, and he is therefore a nazirite in all regards. Conversely, **Rabbi Yehoshua ben Levi could have said to you:** This phrase: **On the condition**, does not mean he accepts upon himself all the *halakhot* of naziriteship and then adds a stipulation counter to that which is written in the Torah; rather, it is **considered like** he said: **Apart** from. It is as though he stated from the outset that he will be a nazirite apart from one particular aspect. According to Rabbi Yehoshua ben Levi, Rabbi Shimon holds that since he is not trying to stipulate alternative *halakhot* for full naziriteship but is instead accepting a partial naziriteship, his vow takes effect.

The Gemara comments: It is taught in the *Tosefta* (*Nazir* 2:2) in accordance with the opinion of Ravina. If one said: I am hereby a nazirite on the condition that I will be allowed to drink wine and may become ritually impure from corpses, he is a nazirite and is prohibited from all of them because he stipulates counter to that which is written in the Torah, and with regard to anyone who stipulates counter to that which is written in the Torah, his stipulation is void.

§ The final clause of the mishna teaches that if one says: I know that a nazirite is prohibited from drinking wine but I thought that the Sages would permit me to drink, the Rabbis say that the vow is void, but Rabbi Shimon disagrees. The Gemara asks: **But didn't you say in the earlier clause** of the mishna that with regard to one who says: But I did not know that a nazirite is prohibited from wine, the first *tanna* holds that he is **prohibited and Rabbi Shimon permits him?** What is the difference between the two cases? The Gemara answers: Emend the text and say in the final clause as well: **He is prohibited, and Rabbi Shimon permits him. And if you wish, say instead: Actually, do not reverse the opinions, and leave the text as it is. Instead, distinguish between the two cases, as there**

רִישָׁא – כְּגוֹן דְּנָזֵר מְחַדָּא; לְרַבְנָן דְּאָמְרֵי דְאִפְּלוּ לֹא נָזֵר אֱלָא מֵאַחַת מֵהֵן – הָיוּ נְזִיר, וְאָסוּר. לְרַבֵּי שְׁמַעוֹן דְּאָמַר עַד שְׁזָוִיר מְבוּלָם – מוּתָר.

סִיפָא – דְּנָזֵר מְבוּלָהּ וְאִיתְשִׁיל מְחַדָּא;

לְרַבְנָן דְּאָמְרֵי אִפְּלוּ לֹא נָזֵר אֱלָא מֵאַחַת מֵהֵן הָיוּ נְזִיר, כִּי מִתְשִׁיל מְחַדָּא מִיַּנְיָהּ – אִישְׁתָּרִי. לְרַבֵּי שְׁמַעוֹן דְּאָמַר עַד שְׁזָוִיר מְבוּלָם, כִּי מִתְשִׁיל נָמִי מֵהָהוּא – עַד דְּמִתְשִׁיל מְבוּלָהּ, מִשּׁוּם הֵכִי קִתְּנִי: וְרַבֵּי שְׁמַעוֹן אוֹסֵר.

וְאִיבְעִית אִימָא: בְּנִדְרֵי אוֹנְסִין קָא מִפְּלִגִי, וּבְפִלְגָתָא דְשְׁמוּאֵל וְרַב אֲסִי. דִּתְנִן: אֲרַבְעָה נְדָרִים הִתִּירוּ חֲכָמִים: נְדָרֵי יְרוּזִין, נְדָרֵי הֶבְאִי, נְדָרֵי שְׁגָזוֹת, נְדָרֵי אוֹנְסִין.

וְאָמַר רַב יְהוּדָה אָמַר רַב אֲסִי: אֲרַבְעָה נְדָרִים הָלְלוּ צְרִיכִין שְׁאֵלָה לְחֲכָמִים. כִּי אָמְרִיתָה קַמִּיָּה דְשְׁמוּאֵל, אָמַר לִי: תִּנְא קִתְּנִי "הִתִּירוּ חֲכָמִים". וְאַתָּה אָמַרְתָּ צְרִיכִין שְׁאֵלָה לְחֲכָמִים!?

in the earlier clause, where one said: I did not know that a nazirite is prohibited from drinking wine, that is a case where he vowed naziriteship with regard to only one of the prohibitions. The difference of opinion is as follows: **According to the Rabbis, who say that even if he vowed naziriteship with regard to only one of the prohibitions of naziriteship he is nevertheless a nazirite**, in that case he is prohibited by all of them, despite not knowing about the prohibition against consuming wine. **According to Rabbi Shimon who said he is not a nazirite unless he takes a vow of naziriteship with regard to all of them, he is permitted.**

Conversely, the last clause addresses one who vowed naziriteship with regard to all of them, thereby accepting upon himself all the halakhot of naziriteship, and now wishes to request dissolution of one of the prohibitions, thinking that a halakhic authority can dissolve one aspect of his naziriteship.

The Gemara explains: **According to the Rabbis, who say that even if he vowed naziriteship with regard to only one of the prohibitions of naziriteship he is nevertheless a nazirite**, in that case too, when he requests of a halakhic authority to dissolve one of them, he is permitted to engage in all of the behaviors forbidden to a nazirite. Just as the acceptance of one part of naziriteship causes one to be bound by all the halakhot of naziriteship, dissolution of one element of naziriteship nullifies the entire naziriteship. **According to Rabbi Shimon, who said that he is not a nazirite unless he takes a vow of naziriteship with regard to all of them, when he requests dissolution of that prohibition, none of the prohibitions are permitted until he requests dissolution of all of the prohibitions of naziriteship. Due to this the mishna teaches: And Rabbi Shimon prohibits him.**

And if you wish, say instead: The Rabbis and Rabbi Shimon disagree with regard to vows impeded by circumstances beyond one's control,ⁿ and their disagreement is in the dispute between Shmuel and Rav Asi. As we learned in a mishna (Nedarim 20b): **The Sages dissolved four types of vows^h without the requirement of a request to a halakhic authority.** The first category is **vows of exhortation**, where one employs a vow to urge another to perform some action. The second category is **vows of exaggeration** [havai],^l where one utters a vow that is dependent upon some outlandish claim, such as: I should be bound by a vow if I did not see a square snake. Since he knows that there are no square snakes, it is evident that he is not serious in taking his vow. The third category is **vows that are unintentional**, where one vows for a particular reason and later discovers he was mistaken with regard to the facts; and the fourth is **vows whose fulfillment are impeded by circumstances beyond one's control.**

The Gemara relates the dispute between Shmuel and Rav Asi: **And Rav Yehuda said that Rav Asi said: These four vows require a request made to the halakhic authorities to dissolve them, and the vows are not dissolved unless one does so.** Rav Yehuda related: **When I stated this halakha of Rav Asi before Shmuel, he said to me: The tanna teaches that the Sages dissolved them,^h and you say they require a request made to the halakhic authorities?** Shmuel holds that they are dissolved automatically.

NOTES

With regard to vows impeded by circumstances beyond one's control – בְּנִדְרֵי אוֹנְסִין: The parallel is that just as with vows impeded by circumstances beyond one's control the halakha is that circumstances beyond one's control release one from the vow, even though he pronounced it with the full intention of fulfilling it, here too, the inability to fulfill the vow, due to one's inability to live without wine, or due to his need to bury the dead, nullifies the naziriteship (Commentary on Nazir; Tosafot). Some early commentaries question the comparison to vows impeded by circumstances beyond one's control, as there the fulfillment of the vow was within one's power at the time of its pronouncement, and the circumstances impeding the fulfillment of the vow arose later, whereas here, the contra-indicative circumstance was present from the outset. They answer (Tosafot, citing Rabbeinu Tam; Rosh) that here too, this is referring to a situation where the individual vowed to be a nazirite before the contra-indicative circumstance began. It was only later that he weakened and required wine, or found it necessary to bury the dead in order to earn a living or because no one else was available to perform the task.

HALAKHA

The Sages dissolved four types of vows – אֲרַבְעָה נְדָרִים הִתִּירוּ: One who pronounces a vow of exhortation, a vow of exaggeration, vows that are unintentional, or a vow impeded by circumstances beyond one's control is not bound by the vow. The same applies to these types of oaths and to these types of vows of naziriteship (Rambam Sefer Hafla'a, Hilkhot Shevuot 3:1, 3, Hilkhot Nedarim 4:1, 3, and Hilkhot Nezirut 2:1; Shulhan Arukh, Yoreh De'a 232:1).

The Sages dissolved – הִתִּירוּ חֲכָמִים: The four types of vows dissolved by the Sages do not require dissolution by a halakhic authority but are dissolved automatically (Rambam Sefer Hafla'a, Hilkhot Shevuot 3:1, 3, Hilkhot Nedarim 4:1, 3, and Hilkhot Nezirut 2:1; Shulhan Arukh, Yoreh De'a 232:1).

LANGUAGE

Exaggeration [havai] – הֶבְאִי: Havai means an insubstantial matter, words of exaggeration, or prattle.

I am hereby a nazirite and it is incumbent upon me to shave, etc. – הריני נזיר ועלי לגלח וכו' – If one said: I am hereby a nazirite and it is incumbent upon me to shave a nazirite, and another heard and said: And I, and it is incumbent upon me to shave a nazirite, they are both nazirites and must pay for the offerings of a nazirite. If they are perspicacious, each of them may pay for the offerings of the other. If they do not do so, they are obligated to pay for the offerings of other nazirites (Rambam *Sefer Hafla'a, Hilkhhot Nezirut* 8:19).

And I, indicates acceptance of the beginning of the statement – ואני על תחילת דיבורא משמע – If one said: I am hereby a nazirite and it is incumbent upon me to shave a nazirite, and another heard and said: And I, the latter is obligated to observe naziriteship but he is not required to shave a nazirite, since his statement refers only to the vow of naziriteship (Rambam *Sefer Hafla'a, Hilkhhot Nezirut* 8:19).

רבנן סברי כשמואל, ורבי שמעון כרב אסי.

מתני' "הריני נזיר ועלי לגלח נזיר." ושמע חבירו ואמר "ואני ועלי לגלח נזיר." אם היו פקחים – מגלחין זה את זה, ואם לאו – מגלחין נזירים אחרים.

גמ' איבעיא להו: שמע חבירו ואמר "ואני." מיהו? "ואני" אכוליה דיבורא משמע, או דלמא אפלגיה דדיבורא משמע? אם תמצוי לומר אפלגיה דדיבורא משמע, ארישא או אסיפא?

תא שמע: "ואני ועלי לגלח נזיר" אם היו פקחים – מגלחין זה את זה. מדקאמר "ואני ועלי" שמע מינה "ואני" אפלגיה דדיבורא. אמרי: אין. אפלגיה דדיבורא משמע, מיהו ארישא או אסיפא? מינה, מדקאמר "ועלי לגלח" – שמע מינה "ואני" על תחילת דיבורא משמע.

אמר ליה רב הונא ברביה דרב יהושע לרבא: ממאי דהכי לעולם אימא לך "ואני" אכוליה דדיבורא, ואי משום "ועלי". מאי קאמר – ועלי בהא מילתא. דאי לא תימא הכי, דקתני סיפא: "הרי עלי לגלח חצי נזיר" ושמע חבירו ואמר "ואני ועלי לגלח חצי נזיר". ה"תם מי איבא תרתין מילי? אלא מאי קאמר "עלי" – בהא מילתא, הכא נמי כי קאמר "עלי" – בהא מילתא.

The Gemara continues its explanation: The dispute between the Rabbis and Rabbi Shimon in the last clause of the mishna is also with regard to this *halakha*. This case is referring to a kind of a vow impeded by circumstances beyond one's control, as he claims that he has no choice but to drink wine or contract impurity from corpses. **The Rabbis hold in accordance with the opinion of Shmuel**, and therefore the vow is dissolved automatically, without the need to request dissolution from a halakhic authority; **and Rabbi Shimon holds in accordance with the opinion of Rav Asi** that one must make a request to a halakhic authority to dissolve the vow, and he remains a nazirite until he does so.

MISHNA If one says: **I am hereby a nazirite and it is incumbent upon me to shave^h a nazirite**, meaning he will also pay for the offerings that a nazirite brings when he cuts his hair; **and another heard and said: And I too am a nazirite and it is incumbent upon me to shave a nazirite**, the other is also a nazirite and is obligated to pay for the offerings of a nazirite. **If they were perspicacious and wish to limit their expenses, they shave each other.** They may each pay for the other's offerings, so that their additional vows will not cost them anything. **And if not**, if this arrangement did not occur to them and each brought his own offerings, **they shave other nazirites**, i.e., they must pay for the offerings of other nazirites.

GEMARA A dilemma was raised before the Sages. If one said: I am hereby a nazirite and it is incumbent upon me to shave a nazirite as well, and **another heard and said only: And I, what is the halakha?** Do we say that: **And I, indicates acceptance of the entire statement** of the first one, which would mean he is both a nazirite and must shave a nazirite, **or perhaps it indicates acceptance of only half the statement** of the first speaker? **If you say it indicates acceptance of only half the statement**, does it indicate acceptance of the **first clause**, i.e., I am hereby a nazirite, **or the last clause**, i.e., it is incumbent upon me to shave a nazirite?

The Gemara suggests: **Come and hear a proof from the mishna.** If a second person said: **And I, and it is incumbent upon me to shave a nazirite**, then **if they are perspicacious they shave each other.** From the fact that it says: **And I, and it is incumbent upon me**, you can learn from this that: **And I, indicates acceptance of only half the statement**, as otherwise he would not need to add the second part. The Sages say in response to this attempted proof: **Yes**, this proves that it indicates acceptance of only **half the statement**. However, the other question still has not been answered: Is he referring to the first part of the original statement or to the last part? The Gemara answers: This can be learned from the mishna itself. From the fact that it says: **And it is incumbent upon me to shave a nazirite**, one can learn from this that: **And I, indicates acceptance of the beginning of the statement^h** to become a nazirite, which is why one has to add that he must also pay for the offerings of a nazirite.

Rav Huna, son of Rav Yehoshua, said to Rava: **From where do you know that it is so that the words: And I, are referring to the first part of the statement? Actually, I will say to you that: And I, is referring to the entire statement, and if you claim otherwise because he added: And it is incumbent upon me, the explanation of what he is saying is: And it is incumbent on me to do this matter.** He was merely clarifying what his intention was when he said: **And I. As, if you do not say so**, then with regard to **that which is taught in the last clause**, in the following mishna, that if one said: **It is incumbent upon me to shave half a nazirite, and another heard that and said: And I, it is incumbent upon me to shave half a nazirite**, then there, **are there two statements?** That mishna is addressing only a single vow. **Rather, what is he saying by using the words: It is incumbent upon me?** He is referring to that whole matter; **here too**, in this mishna, **when he says: And it is incumbent upon me**, he is referring to that whole matter.

אמר ליה רבא: הכי השתא?! אי אמרת בשלמא רישא צריכא סיפא לא צריכא. תני סיפא דלא צריכא משום רישא דצריכא. אלא אי אמרת רישא לא צריכא סיפא לא צריכא. תני רישא דלא צריכא ותני סיפא דלא צריכא?!

Rava said to him: How can these cases be compared? Granted, if you say that in the first clause it is necessary to teach both parts of the statement and in the latter clause it is not necessary to teach both parts of the statement, then it can be said that he taught the unnecessary latter clause due to the necessary first clause, as it is typical for a mishna to phrase both of its sections in the same style. But if you say that it is not necessary to teach both parts of the statement in the first clause and it is also not necessary to teach both parts of the statement in the latter clause, as one has accepted the other's entire statement by saying: And I, would the tanna teach an unnecessary first clause and teach an unnecessary latter clause? Since the addition of: And it is incumbent upon me, is not required in the latter mishna, it must be necessary in this mishna, so the inference of Rava is correct.

אמר רבי יצחק בר יוסף אמר רבי יוחנן: האומר לשלוחו,

After analyzing the mishna itself, the Gemara turns to a related issue. Rabbi Yitzhak bar Yosef said that Rabbi Yoḥanan said: One who says to his agent:

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יצא וקדש לי אשה סתם – אסור בכל הנשים שבעולם; חזקה שליח עושה שליחותו, ובין דלא פריש ליה – הא לא ידע הי ניהו קדיש ליה.

Go out and betroth^N a woman for me, without specifying a particular woman; from that moment onward the one who appointed the agent is forbidden to all the women^N in the world until he finds out which woman the agent betrothed. There is a presumption that an agent performs his assigned agency^H and that he has betrothed a woman for him, and since the agent did not clarify to him which woman he chose, he therefore does not know which woman is the one betrothed to him. If he now betroths another woman, it is possible that she is the daughter, sister, or mother of the one his agent betrothed on his behalf and is therefore forbidden to him.

איתיביה ריש לקיש לרבי יוחנן: קן בתומה שפרחה גזל אחד מהן לאויר העולם, או שפרחה לבין חטאות המתות, או שמת אחד מהן – יקח זוג לשני.

Reish Lakish raised an objection to Rabbi Yoḥanan from a mishna (*Kinnim* 2:1): With regard to an impure person who comes to undergo his purification process, and for this purpose set aside an unspecified nest,^B meaning a pair of turtledoves or pigeons, to use for his offerings. One is to be a burnt-offering and one is to be a sin-offering, and he had not yet specified which bird will be used for which offering. If one fledgling of the pair flew^H away and escaped to the open air of the world, or if it flew among birds invalidated for sin-offerings that have been left to die,^N or if one of them died, in each of these cases the owner of the nest purchases a partner for the second, i.e., remaining, bird. At that point he may decide which is for a sin-offering and which is for a burnt-offering.

NOTES

Go out and betroth, etc. – יצא וקדש וכו': He did not tell the agent which woman or where to find a woman to betroth (Commentary on *Nazir*), and the agent did not come back and inform him of his actions (*She'iltot deRav Aḥai Gaon*), since he either died or left the region (*Halakhot Gedolot*). If the agent returns and claims he betrothed him to a particular woman, and this is confirmed by the woman, he is deemed credible, since one's agent is like himself and it is as though the man himself made these claims (*Rivash*).

He is forbidden to all the women – אסור בכל הנשים: The early commentaries question this, as, if there is a concern that the agent may have betrothed any woman to him, then no man should be allowed to betroth any woman, in case she is the one betrothed by the agent. Even if a woman was to claim that she never was betrothed to anyone, she cannot know if her father accepted betrothal on her behalf when she was a minor, at least in the case where her father is not available to clarify this.

Various suggestions have been given to answer this difficulty.

Tosafot state that the *halakha* in this Gemara is a rabbinic penalty instituted as a disincentive against behaving irresponsibly by appointing an agent with such vague instructions. This penalty is only for the one who appointed the agent, and no one else is impacted by it. In his *Sefer HaYashar*, Rabbeinu Tam writes that the presumption that an agent performs his assigned agency, which is the basis of the prohibition, is by rabbinic law, so the penalty is also by rabbinic law and applies exclusively to the one who appointed the agent. The *Rid* similarly states that since there is no guarantee that the agent betrothed any woman, the Sages rendered only the one who appointed the agent forbidden, as a penalty.

Flew among birds invalidated for sin-offerings that have been left to die – שפרחה לבין חטאות המתות: The *halakha* is that any sin-offering whose owner has achieved atonement by means of a replacement offering, or whose owner has died, must be set aside until it dies. Since this individual is unable to identify the fledgling that became mixed up with such sin-offerings, it too must be left to die.

HALAKHA

A presumption that an agent performs his assigned agency – חזקה שליח עושה שליחותו: If one instructs his agent to perform a matter on his behalf, the latter is presumed to have fulfilled his bidding. In matters of rabbinic law, this rule applies both as a leniency and a stringency. With regard to a matter that involves Torah law, this presumption is used to create a stringency, but a forbidden matter is not permitted based on this presumption (Rambam; Rabbeinu Tam). Others (Rash; Rosh) claim that this presumption can be used to be lenient even with regard to Torah prohibitions, if the agent knew that inaction on his part might lead others to sin (Rambam *Sefer Nashim, Hilkhot Ishut* 9:6 and *Sefer Zemanim, Hilkhot Eiruvim* 6:22; *Shulhan Arukh, Oraḥ Hayyim* 409:8; *Yoreh De'a* 331:34; and *Even HaEzer* 35:11).

An unspecified nest... if a fledgling flew away, etc. – קן בתומה שפרחה גזל וכו': If one fledgling flew out of an unspecified nest and escaped, or became mingled with sin-offerings that are left to die, or if one of the fledglings died, its owner must bring a new fledgling to pair with the remaining fledgling (Rambam *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 9:1).

BACKGROUND

Nest – קן: A pair of doves, either turtledoves or pigeons, were brought as offerings on a number of occasions. Generally one dove was brought as a burnt-offering and the other as a sin-offering by a woman after childbirth, or as part of the purification process of a woman who had experienced an unusual discharge of uterine blood (see *Leviticus* 12:6, 15:29). However, there are other cases where both doves were brought as burnt-offerings. Tractate *Kinnim* discusses some of the issues that arise with regard to this offering, e.g., the procedure if the birds are accidentally switched.