

ובית הלל סברי: משום אֵוִירָא גָּזְרוּ עָלֶיהָ?  
לא, דְּכוּלֵי עֲלָמָא מְשֻׁם גּוֹשָׁה גָּזְרוּ עָלֶיהָ,  
ובית שמאי סברי: בְּסִתָּם נְזִירוֹת קִינְסָנָא,  
ובית הלל סברי: כִּי קִינְסָנָא – בְּתַחֲלִילַת  
נְזִירוֹת.

”מַעֲשֵׂה בַּהִילְנֵי הַמַּלְכָּה” וכו'. אִיבְעִינָא  
לְהוּ בְּשִׁנְטִימָאָת וְאַלִּיבָא דְּבֵית שְׁמַאי,  
אוּ דְלָמָא בְּשִׁלָּא נְטִימָאָת וְאַלִּיבָא דְּבֵית  
הַלֵּל?

תָּא שְׁמַע: עֲלִתָּהּ לְאַרְצָא וְהוֹרוּהָ בֵּית הַלֵּל  
שְׁתַּהֲיָא נְזִירָה עוֹד שְׁבַע שָׁנִים אַחֲרוֹת וכו'.  
וְאִי סְלִקָא דְּעֵתְךָ בְּשִׁנְטִימָאָת וְאַלִּיבָא  
דְּבֵית שְׁמַאי, אִי הָכִי רַבִּי יְהוּדָה אוֹמֵר  
לֹא הִיתָה נְזִירָה אֲלֵא אַרְבַּע עָשָׂר שָׁנָה?  
אַרְבַּע עָשָׂר שָׁנָה וּשְׁלֹשִׁים יוֹם מִיבְעִי  
לִיהָ!

תִּנְיָא נְמִי הָכִי רַבִּי יְהוּדָה אוֹמֵר מְשֻׁם רַבִּי  
אֱלִיעֶזֶר: דְּאָמַר קָרָא ”זֹאת תּוֹרַת הַנְּזִיר” –  
הַתּוֹרָה אָמְרָה: כִּי נִטְמָא בְּיוֹם מְלֵאת – תֵּן  
לוֹ תּוֹרַת נְזִיר.

and Beit Hillel hold: They decreed with regard to its airspace, and it is a severe level of ritual impurity, so he must start his naziriteship from the beginning once he arrives in Eretz Yisrael. The Gemara rejects this possibility: No, it may be that everyone agrees that they decreed only with regard to its earth,<sup>4</sup> and they disagree merely over the details of the penalty. Beit Shammai hold that we penalize him with an unspecified term of naziriteship, which is thirty days, and Beit Hillel hold that when we penalize, we require him to return to the beginning of his term of naziriteship, and he must observe the entire term of naziriteship afresh.

§ The mishna taught: An incident occurred with regard to Queen Helene. A dilemma was raised before them: What is the meaning of Rabbi Yehuda’s statement? Does he hold that the case was one where she became impure in Eretz Yisrael, but after thirty days, and not after seven years, and Rabbi Yehuda spoke in accordance with the opinion of Beit Shammai, who hold that she was required to observe only a further thirty days upon her arrival in Eretz Yisrael, and due to her becoming impure she had to observe again her original term of naziriteship, for a total of fourteen years? Or perhaps the case is one where she did not become impure at the end of the seven years in Eretz Yisrael, and he ruled in accordance with the opinion of Beit Hillel that she had to observe an additional seven years upon her entry to Eretz Yisrael.

The Gemara suggests: Come and hear a proof from the mishna: She ascended to Eretz Yisrael, and Beit Hillel instructed her that she should be a nazirite for an additional seven years, etc. And if it enters your mind that Rabbi Yehuda says that the case is one where she became ritually impure after observing thirty days of naziriteship following her arrival to Eretz Yisrael, and he spoke in accordance with the opinion of Beit Shammai, if so, why does Rabbi Yehuda say she was a nazirite for only fourteen years? He should have said fourteen years and thirty days, as even Beit Shammai obligate her to observe a thirty-day period of naziriteship in Eretz Yisrael. It must be that Rabbi Yehuda holds that she observed seven additional years, in accordance with the opinion of Beit Hillel, and says that she did not become ritually impure.

The Gemara adds: This is also taught in a *baraita*, that Rabbi Yehuda’s opinion cannot be established in accordance with Beit Shammai: Rabbi Yehuda says in the name of Rabbi Eliezer that the verse states: “This is the law of the nazirite when the days of his consecration are fulfilled” (Numbers 6:13). The Torah states: When he becomes impure on the day of the completion of his naziriteship, even if it was at the end of a lengthy term, give him the law of an unspecified nazirite, and he must observe a thirty-day term. Therefore, if she became impure at the end of those thirty days that Beit Shammai obligates her to observe, she should have been required to observe naziriteship for only thirty additional days, rather than a full seven years. Rather, Rabbi Yehuda certainly accepts the opinion of Beit Hillel, and claims that she did not become ritually impure.

HALAKHA

מְשֻׁם גּוֹשָׁה גָּזְרוּ וכו' – They decreed with regard to its earth, etc. – The Sages initially decreed that the status of ritual impurity applied only to the earth of the land of the nations, which meant that only one who walked there or touched or carried its earth became ritually impure. Later, they also decreed that its airspace would be ritu-

ally impure, so that even one who did not touch or carry the dirt, but merely entered his head and the majority of his body into the airspace of the land of nations was considered to be ritually impure (Rambam *Sefer Tahara, Hilkhot Tumat Met* 11:7).

**מתני'** מי שהיו שתי כיתי עדים מעידות אותו, אלו מעידים שָׁנָר שְׁתַּיִם וְאֵלוּ מעידים שָׁנָר חֲמִשׁ, בית שמאי אומרים: נחלקה העדות, ואין כאן נזירות. ובית הלל אומרים: יש בכלל חמש שתיים, שיהא נזיר שתיים.

**MISHNA** In a case of one who had two sets of witnesses testifying about him that he had taken a vow of naziriteship for a certain period, and these witnesses testify that he took a vow of naziriteship for two terms, and these witnesses testify that he took a vow of naziriteship for five terms. Beit Shammai say: The testimony is divided, i.e., the testimonies contradict each other, and since the testimonies are in conflict they are both rejected entirely and there is no naziriteship here at all. And Beit Hillel say: The testimonies are not completely in conflict with each other, as two terms are included in five<sup>h</sup> terms, and the unanimous testimony, that he is a nazirite for two terms, is accepted.

**גמ'** מתניתין דלא כי האי תנא. דתנא, רבי ישמעאל בנו של רבי יוחנן בן ברוקא אומר: לא נחלקו בית שמאי ובית הלל על שתי כיתי עדים, אחת אומרת שתיים ואחת אומרת חמש, שיש בכלל חמש שתיים. על מה נחלקו – על בת אחת, אחד אומר שתיים ואחד אומר חמש. שבית שמאי אומרים נחלקה עדותן, ובית הלל אומרים: יש בכלל חמש שתיים.

**GEMARA** The Gemara comments: The mishna is not in accordance with the opinion of this tanna, as it is taught in a baraita that Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, says: Beit Shammai and Beit Hillel did not disagree with regard to the halakha in the case of two sets of witnesses, one of whom says two terms and one of whom says five terms, that two terms are included in five terms, and he must observe two terms of naziriteship. With regard to what did they disagree? They disagreed with regard to one set of two witnesses, one of whom says two terms and one of whom says five terms, and that Beit Shammai say: In that case their testimony is divided, as the two witnesses are in conflict and there is no testimony here at all. And Beit Hillel say: Since two terms are included in five terms, their testimony is in agreement with regard to two terms, and therefore he must observe two terms.

אמר רב: הכל מודים במונה. אמר ליה רב חמא לרב חסדא: מאי קאמר? אילמא אחד אומר חמש ולא שתיים, ואחד אומר שתיים ולא חמש – הא קא מכחשי אהדדי. אלא: אחד אומר אחת ושתיים, ואחד אומר: שלש ארבע חמש,

In relation to the explanation that the dispute is with regard to a single pair of witnesses, Rav said: All concede in a case of counting<sup>n</sup> that the testimonies contradict each other. Rav Hama said to Rav H̄isda: What is he saying; what did Rav mean by this? If we say that he was referring to a case where one witness says: He vowed five terms and not two terms, and one says: He vowed two terms and not five terms, in such a situation they clearly contradict one another, and neither of the testimonies is reliable. Rather, Rav is speaking of one witness who says that he heard the person in question count out only one and two terms when he took a vow of naziriteship, and one says that he heard the person in question count out only three, four, and five terms when he took a vow of naziriteship.

**HALAKHA**

**Two terms are included in five** – יש בכלל חמש שתיים: If one pair of witnesses testified that a person vowed to be a nazirite for two terms, while a second pair testified that he vowed to be a nazirite for five terms, he is a nazirite for two terms. This is because five includes two. The halakha follows Beit Hillel, but

not in accordance with the explanation of Beit Hillel that is given by Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka (Rambam Sefer Hafla'a, Hilkhot Nezirut 3:9 and Lehem Mishne there; see Rambam Sefer Shofetim, Hilkhot Edut 3:3; Shulhan Arukh, Hoshen Mishpat 30:2).

**NOTES**

**All concede in a case of counting** – הכל מודים במונה: In other words, everyone agrees that the testimonies are considered divided if they say that the vow was uttered by way of counting (Rabbeinu Peretz; Rabbi Avraham min HaHar). Rabbeinu Todros explains that the witnesses counted out the numbers, therefore the assumption is that they did not make a mistake and should be seen as contradicting each other.

An opposite version is cited by the Shita Mekubbetzet: All agree in the case of counting that two is included in five. According to this opinion, when the witnesses stated the number with counting, all agree that the lower number is accepted, and when each set of witnesses gives a different number without counting, there is a disagreement if the lower number is accepted. Rabbi Avraham min HaHar cites a similar version of the text.

NOTES

With regard to a stringent case Rav said – חמירתא – אמר רב: This statement is difficult to understand, as Rav had not been cited previously in this discussion. The Commentary on *Nazir* explains that this stringency of Rav is referring to the statement cited in his name in the Jerusalem Talmud, that contradictory testimony of two sets of witnesses in this format is also considered to be divided. Most commentaries, however, omit the words: Rav said, and have a text that reads: Now that he said with regard to a stringency, with regard to a leniency, did he not say? In other words, if the witness who said: Three, four, and five terms, was stringent with the accused to such an extent, his testimony would certainly include the more lenient one and two terms as well (*Tosafot*; *Rosh*). The Meiri explains similarly, only he reads it as a suggestion made by the Gemara: Perhaps this witness stated only what he was adding to the testimony of his colleague, and did not find it necessary to repeat the number the other had already specified.

**They say in the West, Eretz Yisrael – אמרי במערבא:** Some commentaries explain that the statement taught in Eretz Yisrael does not refer to Rav's *halakha* in particular, but is a general statement that two witnesses who give a count are not considered to contradict one another, even if one counts a larger number than the other. This is the explanation of the Commentary on *Nazir*, and fits the standard text of the Gemara.

The parallel discussion in the Jerusalem Talmud cites a dispute of *amora'im* in this matter. Rav says that they only disagreed with regard to witnesses who state the sum total, for example, if one says two and other says five, but if they give a count everyone agrees that the larger number includes the smaller one. By contrast, Rabbi Yoḥanan claims that the dispute only concerns witnesses who count, whereas if they just state a number all agree that their testimonies conflict. The Jerusalem Talmud therefore offers support for Rav Hama's opinion. This also means that the Gemara is referring to the statement in the Jerusalem Talmud when it says that in Eretz Yisrael they said, citing Rav, that witnesses who count are not considered to contradict one another.

BACKGROUND

**The West – מערבא:** In the Babylonian Talmud, Eretz Yisrael is referred to as the West, since it is southwest of Babylonia. In later periods, the customs in Israel were referred to as Western, as opposed to the Eastern customs of Babylonia.

הא למה לי? השתא יש לומר חמירתא אמר רב, קילתא לא אמר? אמרי במערבא: אין הכחשה במונה.

The Gemara asks: **Why do I need for Rav to state this at all? Now that it is already said with regard to a stringent case, where there were two sets of witnesses who generally have full credibility yet Rav said<sup>N</sup> that the testimony is considered divided, with regard to a lenient case, involving a conflict within one pair of witnesses, who cannot each obligate him in naziriteship, would he not say that a conflict in their testimony causes it to be disregarded? Of course the testimonies are disregarded if the conflict is within the same set of witnesses. They say in the West,<sup>B</sup> Eretz Yisrael:<sup>N</sup> There is no conflicting testimony in a case of counting, as since one of them counted a smaller number and the second counted a larger number, they do not conflict at all, as the smaller number is included in the larger one.**

הדרן עלך מי שאמר

**מתני' מי שאמר "הריני נזיר".** ושמע חבירו ואמר "ואני". ואלו כולם נזירים. הותר הראשון - הותרו כולם. הותר האחרון - האחרון מותר, וכולם אסורין. אמר "הריני נזיר". ושמע חבירו ואמר "פי כפיו ושערי בשערו" - הרי זה נזיר.

**"הריני נזיר".** ושמעה אשתו ואמרה "ואני" - מיפר את שלה, ושלו קיים. **"הריני נזירה".** ושמע בעלה ואמר "ואני" - אינו יכול להפיר. **"הריני נזיר ואת".** ואמרה "אמן" - מיפר את שלה, ושלו קיים. **"הריני נזירה ואתה".** ואמר "אמן" - אינו יכול להפיר.

**MISHNA** With regard to one who said: I am hereby a nazirite, and another heard this vow and said: And I,<sup>H</sup> and a third person added: And I, they are all nazirites. If the vow of the first was dissolved by a halakhic authority, they are all dissolved.<sup>H</sup> However, if the vow of the last individual was dissolved by a halakhic authority, the vow of the last individual alone is dissolved, and all the others remain bound by their nazirite vows. If someone said: I am hereby a nazirite, and another heard and said: My mouth is like his mouth<sup>H</sup> and my hair is like his hair, he is a nazirite.

If one said: I am hereby a nazirite, and his wife heard him and said: And I,<sup>H</sup> he can nullify her vow of naziriteship if he so chooses (see Numbers 30:7-16). But his vow remains intact, as his naziriteship is not dependent on hers. However, if the wife said: I am hereby a nazirite, and her husband heard<sup>H</sup> and said: And I, he cannot nullify her vow of naziriteship, as he would thereby be nullifying his own vow, which he made dependent on hers, and he does not have the ability to nullify his own vow. If he said to his wife: I am hereby a nazirite, and you,<sup>NH</sup> i.e., you shall be a nazirite as well, and she said: Amen, in acceptance of this vow, he can nullify her vow, and his vow remains intact. However, if the wife said: I am hereby a nazirite, and you,<sup>H</sup> and he said: Amen, he cannot nullify her vow.

NOTES

**הריני נזיר ואת**: In other words, he is saying: I am hereby a nazirite, and you, do you agree to be a nazirite? He must ask her permission, as one cannot bind one's wife by a vow against her will (*Tosafot*).

HALAKHA

**וְשָׁמַע חֲבִירוֹ וְאָמַר – אַנְי**: If one said: I am hereby a nazirite, and another heard him and added: And I, and a third person also said: And I, all within the time needed for speaking a short phrase, they are all nazirites. Even one hundred people can vow in this manner, in accordance with the conclusion of the Gemara (21a) that each must speak within the required measure of time from the previous person's statement, not that of the one who uttered the initial vow. The same *halakha* applies to vows in general (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:4, and see *Hilkhot Nedarim* 3:3; *Shulhan Arukh*, *Yoreh De'a* 204:3, 239:10).

**If the vow of the first was dissolved by a halakhic authority, they are all dissolved, etc.** – **הוֹתֵר הָרִאשׁוֹן הוֹתֵרוּ כֻלָּם וְכוּ'**: In a case in which one person vowed, and another heard him and within the time needed for speaking a short phrase, said: And I, and a third individual did the same, if the vow of the first one was dissolved, all the vows are dissolved. If the second one had his vow dissolved, his vow and those of the people who came after him are dissolved. If the vow of the last one was dissolved, it alone is dissolved (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 4:9; *Shulhan Arukh*, *Yoreh De'a* 229:3).

**And said, my mouth is like his mouth, etc.** – **וְאָמַר פִּי כְּפִיו וְכוּ'**: If one took a vow of naziriteship and another heard him and said: My mouth is like his mouth with regard to wine, or: My hair is

like his hair with regard to cutting, he is a nazirite (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:4).

**And his wife heard and said, and I – וְשָׁמְעָה אִשְׁתּוֹ וְאָמְרָה "וְאֲנִי"**: If a husband vowed and his wife also vowed by associating herself with his vow, he may nullify her vow while his remains intact (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 13:11-12; *Shulhan Arukh*, *Yoreh De'a* 234:53).

**I am hereby a nazirite, and her husband heard, etc. – הָרִיני – וְכוּ'**: If a wife vowed and her husband vowed by associating himself with her vow, he can no longer nullify her vow, as he is considered to have upheld it (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 4:11; *Shulhan Arukh*, *Yoreh De'a* 229:52).

**I am hereby a nazirite and you – הָרִיני נְזִיר וְאַתְּ**: If a man says to his wife: I am hereby a nazirite, and will you be a nazirite like me, and she says: Amen, he may nullify her vow. This ruling is in accordance with the mishna, as explained in the Jerusalem Talmud and elsewhere (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 4:14; *Shulhan Arukh*, *Yoreh De'a* 229:54).

**I am hereby a nazirite and you – "הָרִיני נְזִירָה וְאַתְּ"**: If a woman says to her husband: I am hereby a nazirite and you, and he replies: Amen, he can no longer nullify her vow (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 4:14; *Shulhan Arukh*, *Yoreh De'a* 229:54).



## PERSONALITIES

Rabbi Yehuda Nesia – רבֵּי יְהוּדָה נְשִׂיאָה: Rabbi Yehuda Nesia was the son of Rabban Gamliel, who was the son of Rabbi Yehuda HaNasi. He was called Nesia to differentiate him from his illustrious grandfather, the redactor of the Mishna. One of the earliest *amora'im* in Eretz Yisrael, he was a colleague of Rabbi Yehuda HaNasi's great students. His own students included Rabbi Yohanan and Reish Lakish.



Grave of Rabbi Yehuda Nesia, Tzipori

## HALAKHA

**How much is: Within the time required for speaking – כְּמָה:** How long is the time frame known as: Within the time required for speaking? It is the time it takes for a student to greet his rabbi with the phrase: *Shalom alekha rabbi*, meaning: Peace upon you, rabbi. In many areas of *halakha*, anything one says within this time frame is considered part of his initial statement (Rambam *Sefer Hafla'a, Hilkhot Shevuot* 2:17–19, and see *Sefer HaMadda, Hilkhot Talmud Torah* 5:5).

**גַּמְרָא** יתיב ריש לקיש קמיה דרבֵּי יְהוּדָה נְשִׂיאָה, ויִתֵּיב וְקָאָמַר: וְהוּא שְׁהֵתְפִיסוּ כּוּלָּן בְּתוֹךְ כְּדֵי דִיבּוּר. וְכִמְה תוֹךְ כְּדֵי דִיבּוּר – כְּדֵי שְׂאֵלַת שְׁלוֹם, וְכִמְה כְּדֵי שְׂאֵלַת שְׁלוֹם – כְּדֵי שְׂאוּמַר שְׁלוֹם תְּלָמִיד לְרַב.

**GEMARA** Reish Lakish sat before Rabbi Yehuda Nesia,<sup>p</sup> and he sat and said in explanation of the mishna: **And this halakha**, that they are all nazirites, applies only **when they all** took a vow by **associating** themselves with the previous vow **within the time required for speaking** a short phrase. The Gemara asks: **And how much time** is included in the measure of: **Within the time required for speaking<sup>h</sup>** a short phrase?<sup>n</sup> The Gemara answers: It is the time necessary **for greeting** someone. The Gemara asks: **And how much** is the time necessary **for greeting** someone? The Gemara answers that it is the time necessary **for a student to say: Peace upon you, my teacher, to his rabbi.**

אָמַר לֵיה: תוּב לָא שְׁבַקְתָּ רוּחָא לְתַלְמִידָא.

Rabbi Yehuda Nesia said to Reish Lakish: **Once again you have provided no advantage to a student<sup>n</sup>** who wishes to associate himself with the naziriteship of another. If the student's rabbi was passing by at the precise moment that his colleague was vowing to be a nazirite, he would have to greet his rabbi first, and therefore he would not be able to respond to his colleague's vow in time.

## NOTES

**Within the time required for speaking a short phrase – תוֹךְ כְּדֵי דִיבּוּר:** Some maintain that the statement of the first person can be effectively followed with the phrase: And I, by only two more would-be nazirites, because any subsequent statements would be too far removed from the initial nazirite vow (Commentary on *Nazir*). Others add that in the opinion of Reish Lakish, all greetings, including that of a student to his rabbi, consist of the two words: *Shalom alekha*, peace upon you, which corresponds to two mentions of the single word: *Va'ani*, and I (Rid).

However, others contend that a greeting includes the three words that follow the initial declaration: I am hereby a nazirite, in accordance with the statement of the Gemara elsewhere that a student greets his rabbi with the three words: *Shalom alekha rabbi* (*Tosafot*). If so, Reish Lakish is of the opinion that three people can associate themselves with the naziriteship of the first one. Alternatively, Reish Lakish rules that even a fourth person can become a nazirite by saying: *Va'ani*, as the time needed for speaking is the period it takes for the student to return to his previous topic after saying: *Shalom alekha rabbi* (*Tosefot HaRosh*, citing Rabbeinu Tam; Rabbeinu Peretz).

**You have provided no advantage to a student – לָא שְׁבַקְתָּ רוּחָא לְתַלְמִידָא:** Some say that Rabbi Yehuda Nesia agrees with Reish Lakish but simply points out that a student cannot associate himself with the naziriteship of another if he has to greet his rabbi first (Commentary on *Nazir*). This explains why Reish Lakish does not reply to this comment. Other early commentaries maintain that not only is Rabbi Yehuda Nesia questioning Reish Lakish's opinion, he is actually presenting an opposing ruling. However, the precise meaning of his statement is a matter of dispute.

Some explain Rabbi Yehuda Nesia's opinion as follows: If only two words can be added, this is not enough for a student to honor his rabbi; rather, it must be that a student greets his rabbi with three words: *Shalom alekha rabbi*. Similarly, three people can associate themselves with the vow of the first one by saying the word *va'ani*, meaning: And I (*Nushat HaRivan*). Others state that Rabbi Yehuda Nesia contends that a student who greets his rabbi in the full manner must be given the chance to associate himself with the vow of another who took a nazirite vow as the rabbi walked by. Consequently, even four words are considered to be related to the initial vow, and therefore four people can link their vows to that of the first (*Tosafot*).

Alternatively, Rabbi Yehuda Nesia means that a student must be granted a certain pause to breathe before he says: And I, and one should not be too particular about the time this takes; he can vow by associating himself with the naziriteship of another even after a lengthier gap. This is no worse than intimations of naziriteship, e.g., when one says: I shall be, when a nazirite passes before him, in which case he becomes a nazirite (*Tosefot HaRosh*, citing Rabbeinu Tam; Rabbeinu Peretz). Yet others suggest that Rabbi Yehuda Nesia considers the time needed for speaking a short phrase to be significant only in that one may retract a statement within this time period.

With regard to other *halakhot*, such as association of vows, it is enough if they are still discussing the same issue (*Meromei Sadeh*). Another possibility is that Rabbi Yehuda Nesia maintains that each person refers to the vow of the person who precedes him, rather than that of the first one. Consequently, even one hundred people can all become nazirites in this manner, each by associating himself with the naziriteship of the previous one (Rid).