

**מתני'** היו מהלכין בדרך, ואחד בא בנגדן. אמר אחד מהן "הריני נזיר שזה פלוני" ואחד אמר "הריני נזיר שאין זה פלוני", "הריני נזיר שאחד מכם נזיר", "שאין אחד מכם נזיר", "ששניכם נזירים", "שכולכם נזירים".

**MISHNA** If there were people walking along the way, and one other person was approaching them, and one of those walking said: **I am hereby a nazirite if this person approaching us is so-and-so.**<sup>11</sup> And another one of them said: **I am hereby a nazirite if this is not so-and-so,** while a third member of the group said: **I am hereby a nazirite if one of you two is a nazirite,**<sup>N</sup> and a fourth said: **I am hereby a nazirite if neither of you is a nazirite,**<sup>N</sup> and another added: **I am hereby a nazirite if both of you are nazirites.** Finally, the last person said: **I am hereby a nazirite if all you who spoke before me are nazirites.**

**בית שמאי** אומרים: כולן נזירין, ובית הלל אומרים: אינו נזיר אלא מי שלא נתקיימו דבריו, ורבי טרפון אומר: אין אחד מהם נזיר.

**Beit Shammai say that they are all nazirites,** as by saying: **I am hereby a nazirite,** they have accepted naziriteship upon themselves even if their statements turn out to be incorrect. **Beit Shammai maintain that a vow of naziriteship taken in error is considered a valid vow of naziriteship. And Beit Hillel say: Only he whose statement was not fulfilled is a nazirite. And Rabbi Tarfon says: Not a single one of them is a nazirite,** including those whose statements were correct. **Rabbi Tarfon maintains that a vow of naziriteship must be pronounced in an explicit manner, without any hint of uncertainty.** In this case, none of them knew for sure the identity of the person coming toward them, and therefore they could not be certain they were nazirites at the time of their vows.

**הרתיע לאחוריו** – אינו נזיר. רבי שמעון אומר: לאמר "אם היה כדברי – הריני נזיר חובה, ואם לאו – הריני נזיר נדבה".

If the person approaching them **turned back**<sup>11</sup> so that his identity was never discovered, **not one of them is a nazirite.** The matter was never clarified, and the *halakha* is lenient in cases of uncertain naziriteship. **Rabbi Shimon says that the halakha is stringent with regard to an uncertainty of this kind, and therefore they should proceed as follows in order to avoid any uncertainty:** Each of those who took a vow should say: **If it was in accordance with my statement, I am hereby an obligatory nazirite, as my condition was fulfilled, and if not, I am hereby a voluntary nazirite,** and in this manner they are all nazirites either way.

**גמ'** מי שלא נתקיימו דבריו אמאי הוי נזיר? אמר רב יהודה: אימא: מי שנתקיימו דבריו.

**GEMARA** The Gemara questions the opinion of Beit Hillel: **Why is he whose statement was not fulfilled a nazirite?** **Rav Yehuda said: One must emend the wording of the mishna so that it says: Only he whose statement was fulfilled becomes a nazirite.**

Perek V  
Daf 33 Amud a

**אביי** אמר: כגון דאמר "אי נמי לאו פלוני הוא אי הוי נזיר". ומאי "לאו נתקיימו דבריו" – לא נתקיימו דבריו הראשונים, אלא דבריו אחרונים.

**Abaye said: One must correct his understanding of the mishna,** so that it deals with a situation **where** in addition to his first statement **he said:**<sup>N</sup> **Even if it is not so-and-so, I shall be a nazirite. And what is the meaning of the phrase: Whose statement was not fulfilled?** It means: **His first statement was not fulfilled,** as it was not that person; **rather, he is a nazirite because his last statement was fulfilled.**

**"הרתיע לאחוריו אינו נזיר"** בו. טעמא – משום דהרתיע לאחוריו, הא אתי לקמן – הוי נזיר. מני?

§ The mishna taught that if the individual walking toward them **turned back,** so that his identity remained unknown, **not one of them is a nazirite.** The Gemara clarifies: **The reason is only because he turned back,** from which it may be inferred that if that person **comes before us** and is identified, the one who said he would be a nazirite if it is so-and-so is considered to be **a nazirite.** The Gemara inquires: **In accordance with whose opinion is this halakha?**

**הריני נזיר שזה – פלוני** With regard to two people who were walking together and disagreed with regard to the identity of the individual approaching them, and one said: **I am hereby a nazirite if that person is Shimon, as you claim,** and the other replied: **I am hereby a nazirite if he is Reuven, as you claim,** if he was in fact Reuven the second person is a nazirite. This interpretation (*Mishne LaMelekh*; see *Tosefot Yom Tov*) is in accordance with Abaye's explanation of the anonymous opinion in the mishna (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 2:8).

**Turned back – הרתיע לאחוריו** If the person whose identity was subject to the above debate turned around, so that they never discovered his identity, neither of them is a nazirite (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 2:8).

NOTES

**הריני נזיר – שאין אחד מכם נזיר** Most commentaries understand this as a continuation of the aforementioned statement in the mishna, i.e., the third one says to the first two people: **If one of you is a nazirite, etc.** The Meiri maintains that the mishna is now dealing with a different case, in which someone who sees a group of people approaching declares: **I am hereby a nazirite if one of you is a nazirite.** The following case would likewise be where someone states to an approaching group of people: **I am hereby a nazirite if none of you are nazirites.** *Keren Ora* claims that Rambam understands likewise.

**שאין אחד מכם נזיר** This translation follows the Rosh and the Meiri. Others explain that this means: **I am hereby a nazirite if one of you is not a nazirite (Tosafot).** According to this interpretation, this individual says the exact same thing as the previous person, only in negative form.

NOTES

**Where he said, etc.** – **כגון דאמר וכו'** Some commentaries explain that he first said: **I am hereby a nazirite if it is so-and-so.** Then he added: **Even if it is not him, I will be a nazirite (Commentary on Nazir).** Later authorities are puzzled by this interpretation, as no novel *halakha* is taught by this case (see *Mishne LaMelekh*). Therefore, some suggest that he said: **If it is the individual you think it is, I am hereby a nazirite.** Then he continued: **Even if it is someone other than the person I think it is, I will be a nazirite (Birkat Rosh).** Others similarly state that it refers to one who says: **I am hereby a nazirite if this is Reuven and not Shimon,** and the person in question was someone else entirely (Meiri). In this case, although the first part of his initial statement remained unfulfilled, his last clause was correct. Alternatively, Abaye means that he retracted his earlier statement, and is now saying that he is a nazirite if it is not that individual (*Tosafot*).

This *amud* has no Gemara text, as in the classic Vilna layout it is entirely filled with the commentary of *Tosafot*.

HALAKHA

On the condition that this heap contains one hundred *kor* – על מנת שיהא בכרי הזה מאה בור: If one says: I am hereby a nazirite on the condition that this heap of grain contains one hundred *kor*, and when he went to measure the heap discovered that it was stolen or lost, he is not a nazirite. The *halakha* is lenient with regard to uncertain naziriteship, in accordance with the opinion of Rabbi Yehuda (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:9).

BACKGROUND

*Kor* – בור: The *kor* is the largest measurement of volume mentioned in the Talmud. The *kor* contains thirty *se'a*, which in modern measurements is somewhere between 240–480 ℓ. This significant variation is due to a fundamental dispute among the later halakhic authorities concerning halakhic measurements.

אלימא רבי טרפון – מי הווי נזיר? בין דבשעתא דקא נור לא ידע אי פלוני הוא ואי לא, מי חלה עליה נזירות? והתניא, רבי יהודה אומר משום רבי טרפון: אין אחד מהן נזיר, לפי שלא נתנה נזירות אלא להפלאה!

If we say it is the opinion of Rabbi Tarfon, even in a case where the individual in question came before us and identified himself, is the one who claimed to know his identity be a nazirite? Since at the time when he vowed he did not know whether the subject of their debate is so-and-so or not, does naziriteship take effect with regard to him? But isn't it taught in a *baraita* (*Tosefta* 3:19) that Rabbi Yehuda says in the name of Rabbi Tarfon: In the case of the mishna not one of the six people is a nazirite, since naziriteship is imposed upon someone only if the vow is stated with explicitness [*hafla'a*]<sup>1</sup> enunciated. The Torah says that a vow must be “clearly” pronounced, as the verse states: “When either man or woman shall clearly utter [*yafli*] a vow, the vow of a nazirite” (Numbers 6:2). This verse indicates that his vow is valid only if it is explicit.

אלא רבי יהודה דכרי הוא. דתניא: “הריני נזיר על מנת שיהא בכרי הזה מאה בור” והלך ומצאו שנגנב או שאבד, רבי שמעון אוסר, ורבי יהודה מתיר.

Rather, the mishna represents the opinion of Rabbi Yehuda, as stated with regard to a heap of grain. As it is taught in a *baraita* (*Tosefta* 2:9): If someone said: I am hereby a nazirite on the condition that this heap of grain contains one hundred *kor*,<sup>HB</sup> a measurement of volume, and when he went to measure it he discovered that the heap was stolen or lost, so that the amount it held cannot be determined, Rabbi Shimon deems him prohibited in all the *halakhot* of naziriteship, as the heap might have contained one hundred *kor*. And Rabbi Yehuda deems him permitted, as he maintains that the *halakha* is lenient in cases of uncertain naziriteship. Rabbi Yehuda's reasoning applies equally to the case of the mishna.

רבי שמעון סבר: בין דאילו לא נגנב, דלמא הווי ביה מאה בור, והווי נזיר – השתא נמי הווי נזיר. והכא נמי בין דאי אתא לקמן וידעינן דפלוני הואי – הווי נזיר, השתא נמי הווי נזיר.

As for Rabbi Shimon, who disputes the ruling of the mishna, he holds with regard to the heap of grain: Since if the heap had not been stolen perhaps it might have contained one hundred *kor* and he would have been a nazirite, now too, he is a nazirite due to the uncertainty. And here too, in the case of the mishna, since if that person would have come before us and we would have known that he was so-and-so, the one who took the vow would have been a nazirite, consequently, now too, he is a nazirite as a result of the uncertainty cast by the unknown identity of the individual.

LANGUAGE

Explicitness [*hafla'a*] – הפלאה: The root *pele*, from which the term *hafla'a* is derived, is close both linguistically and conceptually to the root *pala*, which refers to a difference, distinction, or separation. The notion of distinction is apparent from the verse: “So that we are distinguished [*ve'niflinu*], I and Your people, from all the people that are on the face of the earth” (Exodus 33:16). The verse concerning the vows of a nazirite, which states: “When either man or woman shall

clearly utter [*yafli*] a vow” (Numbers 6:2), can be explained in two ways. Some commentaries say this denotes wonder [*pele*]. In other words, someone performs a wondrous undertaking by abstaining from the delights of the world and becoming a nazirite. Alternatively, *yafli* means separation, i.e., he separates himself. It is for this reason that the Gemara says: A nazirite vow must be stated with explicitness, i.e., he must separate himself unambiguously, without any hint of doubt.