

NOTES

But say it is referring to the seven days of a week – ואימא שבת: Since there are six weekdays and then the week is completed by Shabbat, it can be said that a week requires completion (*Tosafot*; Rosh).

Perek I

Daf 7 Amud a

NOTES

But say it is referring to a year – ואימא שנה: The length of a regular year in the Jewish calendar can vary between 353 days and 355 days, depending upon how many months in the year are comprised of twenty-nine or thirty days.

Months are calculated to comprise years – חדשים מחשבין: *Tosafot* explain that even when the lunar year is lengthened in order to keep it balanced with the solar year, it is one month that is added rather than a particular number of days. Since the verse states: “Until the days are complete,” it must be referring to a period of time that is measured in days. Others explain that if one takes a vow for a year, his vow remains in effect until the same day of the same month the following year, regardless of whether this period of time is longer or shorter than the 365 days of a solar year (Rosh; Rashi on *Megilla* 5a).

One short term – אחת קטנה: This can be explained in a manner similar to the Gemara’s interpretation of: One long term, i.e., he is referring to the term as short because it is not bothersome for him (*Tosafot*).

This is what he is saying: It is as though this matter of naziriteship were as lengthy, etc. – הכי קאמר אריכא וכו’: *Tosafot* explain that since it takes five hundred years to walk across the world, had the individual intended to become a nazirite for the amount of time it takes to walk across the world, he would have specified five hundred years. Consequently, it is clear that this individual was referring to the level of difficulty involved in his naziriteship. The Rosh maintains that since his statement can be interpreted in multiple ways, the most lenient interpretation is adopted, in accordance with the general principle that one is lenient with regard to naziriteship. It is explained in the *Mishne LaMelekh* that the answer of *Tosafot* is meant to apply even according to Rabbi Shimon, who holds that one must always be stringent with regard to naziriteship.

The commentaries also disagree with regard to the details of the case under discussion. *Tosafot* explain that the individual said: I am hereby a nazirite from here until the end of the world. However, it is explained in the Commentary on *Nazir* that this is a case where one said: I am hereby a nazirite for one long term from here until the end of the world. If he did not specify: One long term, he would in fact be a nazirite forever. This issue likely depends on the text of the mishna. According to the version cited in *Tosafot*, the mishna first mentions the case of one who accepts a long term of naziriteship, then the case of one who accepts a short term, and then it mentions one who says he will be a nazirite from now until the end of the world. The version of the text cited in the Commentary on *Nazir* first mentions the case of one who accepts a short term of naziriteship, then the case of one who accepts a long term, and then the case of one who says he will be a nazirite from now until the end of the world.

אמר מר: אי אלו הן ימים שצריך לומר אותם – הוי אומר שלשים ואימא שבת! שבת מי איכא חסירותא?

The Gemara now analyzes the *baraita* that cites the opinions of Rabbi Yoshiya and Rabbi Yonatan. The Master, Rabbi Yonatan, said: What are the days that require completion? You must say this is referring to the thirty days of a full month. The Gemara asks: But say it is referring to the seven days of a week.^N The Gemara responds: In the case of a week, is there ever a week that is lacking? All weeks are seven days. Conversely, since some months are twenty-nine days and others are thirty days, it can be said that the thirtieth day completes that which was lacking.

ואימא שנה! מי מנינן ליומי? והא רבנן דקיסרי אמרי: מנין שאין מונין ימים לשנים? שנאמר “לחדשי השנה” – חדשים מחשבין לשנים, ולא ימים לשנים.

The Gemara asks further: But say it is referring to a year,^N which can also be full or lacking. The Gemara responds: Do we count years by days? Didn’t the Sages of Caesarea say: From where is it derived that one does not count days toward years,^H but that years are calculated according to months? As it is stated: “Of the months of the year” (Exodus 12:2). This teaches that months are calculated to comprise years,^N but days are not counted toward years. Therefore, only a month can be described as being completed by a particular day.

מתני’ אמר “הריני נזיר אחת גדולה”, “הריני נזיר אחת קטנה”, אפילו “מבאן ועד סוף העולם” – נזיר שלשים יום.

MISHNA If one said: I am hereby a nazirite for one long term, or: I am hereby a nazirite for one short term,^{NH} or even^H if one said: I am hereby a nazirite from now until the end of the world, in all these cases he is a nazirite for thirty days.

גמ’ אמאי? והא “מבאן ועד סוף העולם” קאמר! הכי קאמר: אריכא לי הדא מילתא כמבאן ועד סוף העולם.

GEMARA The mishna taught that even one who said: I am hereby a nazirite from now until the end of the world, becomes a nazirite for thirty days. The Gemara asks: Why does he become a nazirite for only thirty days? Didn’t he say: From now until the end of the world? The Gemara answers: This is what he is saying: Because of the difficulties it entails, it is as though this matter of naziriteship were as lengthy^N for me as the time from now until the end of the world.

תנן: “הריני נזיר מבאן עד מקום פלוני” – אומדים כמה ימים מבאן ועד מקום פלוני, פחות משלשים יום – נזיר שלשים יום, ואם לאו – נזיר כמנין הימים. ואימא דבא נמי: אריכא לי הא מילתא כמבאן ועד מקום פלוני!

The Gemara raises a difficulty: We learned in the mishna (8a): If one says: I am hereby a nazirite from here until such and such a place,^H one estimates how many days it takes to walk from here until such and such a place. If it is a distance of less than thirty days, he is a nazirite for thirty days, since this is the minimum term of naziriteship. And if not, i.e., if it takes more than thirty days to walk that distance, he is a nazirite in accordance with the number of days it takes to walk to that place. But here too, in that mishna, say that the individual intends to accept only a thirty-day term of naziriteship, and he means to say: This matter of naziriteship is as lengthy for me as the time it would take me to walk from here until such and such a place.

HALAKHA

One does not count days toward years – אין מונין ימים לשנים: When the lunar year falls approximately thirty days behind the solar year, the year is declared a leap year. Only a full month may be added to a year to make it a leap year (Rambam *Sefer Zemanim*, *Hilkhot Kiddush HaHodesh* 1:2).

Even, etc. – אפילו וכו’: Even if one says: I am hereby a nazirite for an extremely long term, he is a nazirite for only thirty days (Rambam *Sefer Hafla’a*, *Hilkhot Nezirut* 3:1).

I am hereby a nazirite for one short term – הריני נזיר אחת קטנה: If one specifies that he will be a nazirite for less than thirty days, e.g., he says: I am hereby a nazirite for one day, or: I am hereby a nazirite for ten days, he is a nazirite for thirty days, since the minimum term of naziriteship is thirty days (Rambam *Sefer Hafla’a*, *Hilkhot Nezirut* 3:2).

I am hereby a nazirite from here until such and such a place, etc. – הריני נזיר מבאן עד מקום פלוני וכו’: If one said: I am hereby a nazirite from here until such and such a place, if he had not yet set out on his journey, then he is a nazirite for thirty days. If he had set out on his journey and the place he mentioned is less than thirty days’ walk away, he is a nazirite for thirty days. If the place is farther away than that, he observes one term of naziriteship lasting as long as the number of days of travel (Rambam *Sefer Hafla’a*, *Hilkhot Nezirut* 3:5).

Parasang [*parasa*] – פָּרְסָא: This is the word in the ancient world for a Persian mile, a measurement that was adopted in a number of languages, including Greek, Syriac, and in this case, Judeo-Aramaic. The form of the word in this passage comes from Middle Iranian frasax. In the talmudic system of measurement, one *parasa* equals four *mil*.

Way station [*avvana*] – אַוּוּנָא: This word is of ancient Syriac-Aramaic origin and means a way station or a way-side inn. Some linguists have connected it to the Greek εὐνή, *eunē*, meaning a bed or a place to sleep.

HALAKHA

I am hereby a nazirite like the dust of the earth, etc. – הָרִינִי נְזִיר כְּעֶפְר הָאָרֶץ וְכוּ': If one says: I am hereby a nazirite like the dust of the earth, or: Like the hair of my head, or: Like the sand of the sea, it is as though he said: I am obligated in terms of naziriteship corresponding to the number of hairs on my head and the like. Consequently, he must shave his hair and start a new term of naziriteship every thirty days for the rest of his life (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:18).

I am hereby a nazirite all the days of my life – הָרִינִי נְזִיר כָּל יְמֵי חַיִּי: The Rambam rules that if one says: I am hereby a nazirite forever, or: I am hereby a nazirite all the days of my life, he is a nazirite forever. However, if one specified a fixed period, even if it was a thousand years, he is a nazirite for a fixed period, despite the fact that the term exceeds his life span. It appears that this ruling is based upon a version of the Gemara text that is consistent with the *Tosefta* and the Jerusalem Talmud but is not consistent with the text printed in the Vilna Talmud (*Kesef Mishne*; Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:11; see Meiri and Ra'avad).

אָמַר רַבָּא: שְׁהַחֲזִיק בְּדַרְךָ. וְלִיהוּ כָּל פְּרָסָה וּפְרָסָה! אָמַר רַב פָּפָא: בְּאַתְרָא דְלָא מְנִי פְּרָסֵי.

Rava said: That mishna is referring to one who had already set out on the way,^N so that it is apparent that his intention is to be a nazirite until he reaches his destination. The Gemara asks: Why is it assumed that he means to accept a single term of naziriteship that is the length of time it takes to travel to a certain destination? **And let each and every parasang** [*parasa*]^{LN} be understood to refer to a separate term of naziriteship, such that the individual is understood to have accepted a separate term of naziriteship for each parasang that he must travel. **Rav Pappa said:** The mishna deals with a place where people do not measure distances in parasangs.^N

וְלִיהוּ כָּל אַוּוּנָא וְאַוּוּנָא. מִי לָא תַנּוּ: "הָרִינִי נְזִיר כְּעֶפְר הָאָרֶץ" וְ"כְשֶׁעַר רִאשֵׁי" וְ"כַחֲוֹל הַיָּם" – הָרִי זֶה נְזִיר עוֹלָם, וּמְגַלַּח אַחַד לְשָׁלְשִׁים יוֹם.

The Gemara asks further: **And let each and every way station** [*avvana*]^{LN} where travelers lodge at night, be understood to refer to a separate term of naziriteship, such that the individual is understood to have accepted a separate term of naziriteship for each station that he passes along the way. **Didn't we learn** in a mishna (8a): If one says: **I am hereby a nazirite like the dust of the earth,**^H or: **Like the hair of my head, or: Like the sand of the sea, he is a nazirite forever,** as it is understood that he accepted upon himself terms of naziriteship in accordance with the number of his hairs, or grains of dust, or sand, **and he shaves once every thirty days?**

כָּל מִלְתָּא דְאִית בֵּיה קִיעוּתָא לָא קָתַנִּי.

The Gemara responds: **Everything that has a fixed amount is not taught** in this clause, which states that one is a nazirite forever. When one declares that he will be a nazirite for a length of time corresponding to an item that people consider infinite, e.g., the dust of the earth, his intention is not to define the length of a single term of naziriteship, as it is unknown how many grains of dust there are. However, when one mentions something that does have a fixed number, e.g., the number of days it takes to walk to a certain place, his intention is to define the length of a single term of naziriteship.

וְהַתְנָא: "הָרִינִי נְזִיר כָּל יְמֵי חַיִּי", "הָרִינִי נְזִיר עוֹלָם" – הָרִי זֶה נְזִיר עוֹלָם. אֶפְיֻלוּ "מֵאָה שָׁנָה" אֶפְיֻלוּ "אֶלֶף שָׁנִים" – אֵין זֶה נְזִיר עוֹלָם אֶלָּא נְזִיר לְעוֹלָם.

And similarly, it is taught in a *baraita*: If one says: **I am hereby a nazirite all the days of my life,**^H or: **I am hereby a permanent nazirite, he is a permanent nazirite.**^N However, if he said that he is a nazirite for a fixed period of time, **even for one hundred years or even for one thousand years, he is not a permanent nazirite.** Rather, he is a regular **nazirite forever**, since he will not live long enough to complete his term of naziriteship. This demonstrates that there is a difference between a naziriteship that lasts for a fixed time and a naziriteship that is unlimited.

NOTES

Who had already set out on the way – שְׁהַחֲזִיק בְּדַרְךָ: Two explanations are offered in the Commentary on *Nazir*. According to the first opinion, the fact that one has set out on his way proves that he does not consider the journey insurmountable, and it cannot be described as a case where one accepted naziriteship from now until the end of the world. The second explanation, which is also the explanation of *Tosafot* and the Rosh, is that it can be assumed that this person intended to be a nazirite while he was on the road in order to merit divine protection from harm on his travels.

And let each and every parasang – וְלִיהוּ כָּל פְּרָסָה וּפְרָסָה: The commentaries disagree about which mishna the Gemara is challenging with this question. It is explained in the Commentary on *Nazir* that the Gemara's question pertains to the mishna cited from 8a, which states that the individual is understood to have accepted a single term of naziriteship, whose duration is the number of days it takes to complete the journey he mentioned. *Tosafot* explain that the question pertains to the mishna here, which states that one who accepts naziriteship from now until the end of the world is a nazirite for only thirty days. According to both commentaries, the question is why each parasang is not viewed as representing an independent term of naziriteship. The Meiri mentions both explanations.

The mishna deals with a place where people do not measure distances in parasangs – בְּאַתְרָא דְלָא מְנִי פְּרָסֵי: According to the

opinion that the Gemara's question is referring to the mishna here, the answer is as follows: Since in that place they do not have a definitive method of measuring the distance to the end of the world, he must have accepted upon himself a single term of naziriteship, which feels to him as lengthy as the distance from here until the end of the world (Meiri).

Way station – אַוּוּנָא: One explanation of this word is that it means a county or district. The Gemara's question is why each county is not counted as a separate unit, which would mean that he has accepted upon himself as many periods of naziriteship as there are counties between the two places he specified (Commentary on *Nazir*). The explanation found in the *Arukh* is that it means a station along the way that serves as an inn for travelers. According to this opinion, the Gemara is saying that the days it would take to get from here to the end of the world can be determined by counting the number of rest stations along the way. The Meiri cites a version of the text in which this question is resolved by the Gemara saying that the reference is to a place where they have no way stations. However, he himself rejects this version.

He is a permanent nazirite – הָרִי זֶה נְזִיר עוֹלָם: This does not just mean that he is a nazirite forever. He is a particular type of nazirite known as a permanent nazirite (see 4a), like Absalom. This type of nazirite may periodically cut his hair and bring offerings (Rosh; see 4b–5a).

הָרִינִי נְזִיר וְיוֹם – I am hereby a nazirite and one day, etc. – אֶחָד וְכוּ': If one says: I am hereby a nazirite and one day, or: I am hereby a nazirite and one hour, or: I am a nazirite for one and a half, he must observe two consecutive terms of naziriteship (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 3:8).

רַבָּה אָמַר: שְׁאֵינִי שְׁעָרוֹת, הוֹאִיל וּמִבְּדָלוֹת זֶה מִזֶּה.

Rabba said another reason for the distinction between one who accepts naziriteship based on the distance between places and one who accepts naziriteship based on the number of hairs on his head or the dust of the earth. **Hairs are different, since they are separated from each other.** Consequently, one who says: Like the hair of my head, is referring to distinct terms of naziriteship.

גְּבִי יוֹמֵי נְמִי, הָאֵתְיִב וְיִהְיֶה עֶרֶב וְיִהְיֶה בִקְרֵי יוֹם אֶחָד!

The Gemara asks: **Also with regard to days, isn't it written: "And there was evening and there was morning, one day"** (Genesis 1:5), which indicates that each day is a separate unit? Consequently, one who vows to be a nazirite: From here until such and such a place, should be considered to have accepted upon himself distinct terms of naziriteship corresponding to the number of days it takes to travel to the designated destination.

הֵתֵם לָאוּ דְמַפְסְקֵי מִהֲדָדִי הוּא. מֵאֵי קֵאָמַר – יִמְמָא וְלִילֵיאָ חַד יוֹמָא הוּא, וְלַעוֹלָם לֹא מַפְסְקֵי מִהֲדָדִי.

The Gemara answers: The meaning of the verse **there is not that days are separated from each other,**^N because time is continuous. Rather, **what it is saying** is that the period of **day and night is one calendar day, but actually days are not separate from each other.**

רַבָּא אָמַר: לְמָהּ לָךְ אֶקְשׁוּנִי בּוֹלִי הָאֵי? שְׁאֵינִי הֵתֵם, דְּהָא קִתְנִי "הָרִינִי נְזִיר אַחַת".

The discussion above stemmed from the difficulty with the mishna's case where one accepted naziriteship from now until the end of the world. Rava said: **Why do you raise all these difficulties? It is different there, as it teaches** that the individual said: **I am hereby a nazirite for one long term.**^N Since he specified that he is accepting one term of naziriteship, his statement is interpreted accordingly and is not interpreted as a reference to multiple terms of naziriteship.

מִתְנִי "הָרִינִי נְזִיר וְיוֹם אֶחָד". הָרִינִי נְזִיר וְשַׁעָה אַחַת. "הָרִינִי נְזִיר אַחַת וּמַחְצָה" – הָרִי זֶה נְזִיר שְׁתַּיִם.

MISHNA If one said: **I am hereby a nazirite and one day,**^H or: **I am hereby a nazirite and one hour, or: I am hereby a nazirite for one and a half, he becomes a nazirite for two consecutive terms of naziriteship.** When he says: I am hereby a nazirite, he accepts upon himself one thirty-day term of naziriteship. When he subsequently adds an additional amount of time, e.g., an extra day, he thereby accepts upon himself an additional term of naziriteship, and the minimal term of naziriteship is thirty days.

גַּמְ' לְמָהּ לִי לְמִיתְנָא כֹּל הֵינִי צְרִיכִי, דְּאֵי תְנָא "הָרִינִי נְזִיר וְיוֹם אֶחָד" – הִכָּא הוּא דְאֶמְרִינָן אִין נְזִירוֹת לְיוֹם אֶחָד, אֲמַטוּ לְהִכִּי קִמְנֵי תְרַהֲנִין. אֲבָל "הָרִינִי נְזִיר וְשַׁעָה אַחַת" – לִימְנֵי שְׁלֹשִׁים וְאַחַד יוֹם, קָא מְשַׁמַּע לָן.

GEMARA The Gemara asks: **Why do I need the mishna to teach all these cases** rather than giving just one example of the mishna's principle? The Gemara explains: **All the cases are necessary, as, if the mishna had taught only the case where one said: I am hereby a nazirite and one day, one might have thought: It is here that we say^N that there is no naziriteship for one day, and therefore he must count two terms of naziriteship. However, if he said: I am hereby a nazirite and one hour, let him count thirty-one days.** The mishna therefore teaches us that even in this latter case he must keep two terms of naziriteship.

NOTES

The meaning of the verse **there is not that days are separated from each other** – הֵתֵם לָאוּ דְמַפְסְקֵי מִהֲדָדִי הוּא – In other words, although the verse is referring to an evening and morning as "one day," this does not mean that days are divided from one another. Rather, the verse marks a period of time as a calendar day, although night and day merge into one another without any clear demarcation (Commentary on *Nazir*). The Maharatz Hayyut adds that in actual fact, the days on earth are not separated from each other, because when it is night in one place it remains daytime elsewhere.

As it teaches that the individual said, **I am hereby a nazirite for one long term** – דְּהָא קִתְנֵי הָרִינִי נְזִיר אַחַת – Although the word one appears in the mishna only in the cases of one who accepts one long term or one short term, it is understood that this word

is also included in the case where one declares himself a nazirite from now until the end of the world (*Tosafot*). Consequently, it is clear that the individual intended to accept a single term of naziriteship rather than multiple terms. Had he simply said: I am hereby a nazirite from now until the end of the world, he might be understood to be accepting many terms of naziriteship. This is explained similarly in the Jerusalem Talmud.

It is here that we say – הִכָּא הוּא דְאֶמְרִינָן – When he said: I am hereby a nazirite, he accepted upon himself a standard thirty-day term of naziriteship. When he then said: And a day, he intended to accept an additional one-day term of naziriteship. However, since the minimal term of naziriteship is thirty days, he must keep the second term for thirty days. Conversely, if he said: I am hereby a nazirite and one hour, since terms of

naziriteship are not measured in hours, it is not clear that he meant to add a separate term of naziriteship. He may have intended to accept a single term of naziriteship for thirty days and part of the thirty-first day, in which case he should have to keep a thirty-one-day term of naziriteship, as naziriteship does not end in the middle of a day (*Rosh*). The author of *Birkat Rosh* explains that since, in practice, one must continue to observe the restrictions of naziriteship until he brings his offerings on the day following the conclusion of his term of naziriteship, when one says: I am hereby a nazirite and one hour, he may have been referring to the time before he brings his offerings on the day following his term of naziriteship.

ואי תנא "שעה אחת" – משום דלא נחית לדוקא, אבל "אחת ומחצה" דנחית לדוקא – אימא לא לימני תרתי, קמשימע לן: כולהו נזיר שתים.

And if the mishna taught only the case where one said: I am hereby a nazirite and **one hour**, one might have said that he is obligated in two periods of naziriteship because he did not go into specific detail [*davka*].^{LN} He merely stated that he accepts upon himself some part of a second term of naziriteship, and therefore he must observe a full second term of naziriteship. **However**, in the case of one who says he will be a nazirite for **one and a half**, where he does go into specific detail, one might say he should not have to count two full terms of naziriteship but rather forty-five days of naziriteship. The mishna therefore teaches us that in all these cases he is a nazirite for two full terms of naziriteship.

מתני' "הריני נזיר שלשים יום ושעה אחת" – נזיר שלשים ואחד יום, שאין נזירות לשעות.

MISHNA One who says: I am hereby a nazirite for thirty days and one hour,^{HN} becomes a nazirite for thirty-one days, as there is no naziriteship for hours but only for full days.

גמ' אמר רב: לא שנו אלא דאמר "שלשים ואחד יום" אבל אמר "שלשים יום" [יום] ואחד – נזיר שתים.

GEMARA Rav said: They taught that he is a nazirite for thirty-one days only^N when he said: Thirty-one days.^{HN} But if he said: Thirty days and one day,^H he is a nazirite for two terms of naziriteship, since the thirty days are considered one term of naziriteship, and the additional day is the start of an additional term.

LANGUAGE

Specific detail [*davka*] – דוקא: From the root *dalet, vav, kuf* or *dalet, yud, kuf*, meaning to be precise. Sometimes *davka* means: It is exactly that way and is not to be changed. At other times, as here, it indicates that something has been ascertained or expressed precisely, intentionally.

HALAKHA

I am hereby a nazirite for thirty days and one hour – הריני נזיר שלשים יום ושעה אחת: If one says: I am hereby a nazirite for thirty days and one hour, he is a nazirite for thirty-one days, since naziriteship does not take effect when established in terms of hours rather than days (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 3:4).

When he said thirty-one days – דאמר שלשים ואחד יום: If one vowed to be a nazirite for longer than thirty days, e.g., he said: I am hereby a nazirite for thirty-one days, he is a nazirite for the period specified (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 3:3).

He said thirty days and one day – אמר שלשים יום יום אחד: One who said: I am hereby a nazirite for thirty days and one day, is a nazirite for one term of naziriteship lasting thirty-one days. The *halakha* is not in accordance with Rav (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 3:8).

NOTES

He did not go into specific detail – לך נחית לדוקא: In other words, his statement was not precise, since naziriteship does not take effect for hours (Commentary on *Nazir*). Alternatively, since he specified a term that is halakhically infeasible, there is no choice but to add on to his words and say he vowed an additional term of naziriteship (*Tosafot*).

Thirty days and one hour – שלשים יום ושעה אחת: The mishna employed this specific example because the last case in the previous mishna was about one who accepted the obligation to become: A nazirite and one hour, and the *tanna* wanted to stress that if he adjusted his wording and said: Thirty days and one hour, he is a nazirite for thirty-one days. The same is true if he said: Thirty and one days, rather than: I am hereby a nazirite and one day (*Tosafot*). As for the reason for this difference, the commentaries explain that when one says: I am hereby a nazirite, he has accepted a thirty-day term of naziriteship. When he then adds extra time, he thereby adds an additional term of naziriteship. Conversely, one who says: Thirty days and one hour, has merely accepted a term of naziriteship that is longer than thirty days. Since a term of naziriteship cannot include a part of a day, he is a nazirite for thirty-one days (Rabbeinu Peretz; Rabbeinu Aziel, cited in *Shita Mekubbetzet*).

Rav said, they taught that he is a nazirite for thirty-one days

only, etc. – לא שנו אלא וכו': Rav's statement is also cited in the Jerusalem Talmud, where his opinion is rejected based on a *baraita* that explicitly states that in this case Rabbi Akiva and Rabbi Yishmael agree that only one term of naziriteship takes effect. The two disagree only with regard to one who says: I am hereby a nazirite for thirty days and one more day, in which case Rabbi Akiva holds that two periods of naziriteship take effect.

When he said thirty-one days – דאמר שלשים ואחד יום: Rav clearly did not mean to say that these were his exact words, as the mishna states that this is a case where he said: Thirty days and one hour. The point is that his statement is understood as though he said: Thirty-one days (Rosh). *Tosafot* explain that the case in the mishna is similar to one of the cases in the mishna on 7a, and it can be inferred that in a case where one said: Thirty-one days, which is a different formulation of one of the other cases in the mishna on 7a, one would also observe only one term of naziriteship. According to the text in the Radbaz's version of the Gemara, however, the mishna here explicitly states that if one says: I am hereby a nazirite for thirty days and one day, he is a nazirite for one term of thirty-one days. Another version of the text, cited in the Meiri, reads: They taught this only with regard to one who said: Thirty and one hour, but if he said: Thirty days and one hour, he is obligated in two terms of naziriteship.

BACKGROUND

Cistern – דוּת: A cistern is a place built for gathering water or produce. A pit and cistern have the same purpose, but a cistern is a structure built from stones above the ground, whereas a pit is dug into the earth or rock.

רַב סָבַר לֵהּ כְּרַבֵּי עֵקִיבָא, דְּדַרְיֵשׁ לִישְׁנָא יְתִירָא.

דְּתַנְּן: לֹא אֶת הַבּוֹר וְלֹא אֶת הַדּוּת, אֲפִי עַל פִּי שְׁפָתַי לֹא עֹמְקָא וְרוּמָא. וְצָרִיךְ לִיקַח לֹא דְרֶךְ, דְּכַבְרֵי רַבֵּי עֵקִיבָא.

וְחֻכְמֵי אֹמְרִים: אֵינוֹ צָרִיךְ לִיקַח לֹא דְרֶךְ, וּמוֹדָה רַבֵּי עֵקִיבָא בְּזִמְנָא שְׂאֵמֵר לֹא "חוּץ מֵאלוֹ" שְׂאֵינוֹ צָרִיךְ לִיקַח לֹא דְרֶךְ.

The Gemara comments: In this regard, Rav holds in accordance with the opinion of Rabbi Akiva, who derives meaning from superfluous language.^N Rabbi Akiva believes that if one uses unnecessary words, it is inferred that he intended to add something. In this case, since the individual said: Thirty days and one day, without combining them into one amount, he intended to accept an additional term of naziriteship.

As we learned in a mishna (*Bava Batra* 64a): According to Rabbi Akiva, if one sold his house to another without specification, he has sold neither the pit nor the cistern [*dut*]^B with it, although he wrote to him in the document of sale: With its depth and its height.^H This is because anything that is not part of the house, e.g., pits and cisterns, must be explicitly mentioned in the contract. And the seller must purchase a path^{NH} through the property he sold along with the house in order to reach the pit or cistern that he kept for himself. This is the statement of Rabbi Akiva.

And the Rabbis say: He does not need to purchase a path, as it is assumed that just as he maintained his rights to the pit or cistern, he also maintained the right to walk through the rest of the property in order to access the pit or cistern. And Rabbi Akiva concedes that when he says to him in the document of sale: Apart from these,^H i.e., the pit and cistern, that he does not need to purchase a path. Rabbi Akiva's reasoning is this: Since the seller unnecessarily stressed that the pit and cistern are not included in the sale, he must have intended to thereby reserve for himself the right of access. This proves that, according to Rabbi Akiva, if one adds a superfluous clause he must have had a specific meaning in mind, and something must be derived from his statement. Rav follows a similar line of reasoning with regard to the case of a nazirite.

NOTES

דְּדַרְיֵשׁ – Who derives meaning from superfluous language – לִישְׁנָא יְתִירָא: The Rosh explains that Rabbi Akiva is not alone in this opinion, as even the Rabbis, who disagree with Rabbi Akiva in the case of a pit and cistern, accept this principle. They simply do not apply the principle to that particular case because they assume that a seller does not want to include in the sale anything he did not explicitly mention. The Gemara attributes to Rabbi Akiva the principle of deriving meaning from superfluous language only because he clearly applies this principle in the case mentioned. Consequently, Rav can be presented as accepting this principle despite the fact that he does not apply it to the case of the pit and cistern, with regard to which he rules in accordance with the Rabbis.

However, Rabbi Avraham min HaHar contends that the Rabbis disagree with Rabbi Akiva with regard to the legitimacy of expounding superfluous language, and the *halakha* is in accordance with their opinion and not the opinion of Rabbi Akiva and Rav. The Rambam rules in accordance with Rabbi Akiva concerning a sale but rules against Rav's opinion in the case of a nazirite. The Meiri explains that, according to the Rambam, Rabbi Akiva

might not agree with Rav's ruling here. This is because in the case of a sale the words are clearly superfluous, which is not true in the case of the nazirite. Alternatively, it can be explained that the Rambam follows the ruling of the Jerusalem Talmud, in which Rav's opinion is rejected. As a general rule, whenever the Babylonian Talmud does not provide a clear halakhic ruling, the Rambam follows the Jerusalem Talmud.

וְצָרִיךְ לִיקַח לֹא דְרֶךְ – And the seller must purchase a path – The Gemara in *Bava Batra* (64b) explains that Rabbi Akiva holds that it may be assumed that a seller is generous and includes all rights to the property he sells, except where the contract stipulates otherwise. Consequently, one who sells his property has not maintained for himself even the right to pass through it in order to draw water from his pit, and he must purchase this right or otherwise obtain permission to pass through from the buyer. The Rabbis, however, hold that it may be assumed that a seller intends to retain all rights that he does not explicitly agree to relinquish.

HALAKHA

אֲפִי – Although he wrote to him, with its depth and its height – עַל פִּי שְׁפָתַי לֹא עֹמְקָא וְרוּמָא: One who sells a house without specification has not sold the pit or cistern that is there, even if he wrote in the document of sale: With its depth and height (Rambam *Sefer Kinyan, Hilkhot Mekhira* 25:2; *Shulḥan Arukh, Hoshen Mishpat* 214:2).

וְצָרִיךְ לִיקַח לֹא דְרֶךְ – And the seller must purchase a path – One who sells a house without specification retains the pit or cistern that is there, but he must purchase the right of access to them from the buyer if he wishes to use them. He is not considered

to have reserved a path for himself so that he can gain access to them. The *halakha* is in accordance with Rabbi Akiva's opinion that a seller acts generously, as concluded by the Gemara in *Bava Batra* 65a (Rambam *Sefer Kinyan, Hilkhot Mekhira* 25:4; *Shulḥan Arukh, Hoshen Mishpat* 214:2; 215:5).

בְּזִמְנָא שְׂאֵמֵר לֹא, חוּץ – When he says to him, apart from these – מֵאלוֹ: If one sold his house and specified that he was not selling the pit and cistern, he does not have to purchase access to the pit and cistern from the buyer (Rambam *Sefer Kinyan, Hilkhot Mekhira* 25:3; *Shulḥan Arukh, Hoshen Mishpat* 214:2, 215:5).