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Nazir Daf 11

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Mishna

If they poured him a cup of wine and he said, “I am hereby a *nazir* from it,” he is a *nazir*. There was an incident with a woman who was drunk, and they poured for her a cup of wine. She said, “I am a *nezirah* from it.” The *Chachamim* ruled: She meant only to say that it should be to her like a *korban* (*she is forbidden from drinking the wine, but she is not a nezirah*). (11a1)

A Drunkard’s Vow

The *Gemora* asks: Why does the *Mishna* record an incident which contradicts the *Mishna’s* ruling? You begin the *Mishna* by stating that he becomes a *nazir* (when he says, “I am hereby a *nazir* from a cup of wine”), and then you teach the case of the woman (who does not become a *nezirah* when she says that), from which we can conclude that (when one would say, “I am a *nazir* from this cup of wine”) he forbids to himself only this cup (that is offered to him), but he is permitted (to drink) other wine?

The *Gemora* answers: It is as if there are some missing words in the *Mishna* and this is how it should be taught: If they poured him a cup of wine and he said, “I am hereby a *nazir* from it,” he is a *nazir*. If he was drunk and he said, “I am hereby a *nazir* from it,” he is not a *nazir* (*he is only forbidden from drinking that cup*).

The *Gemora* asks: What is the reason for this?

The *Gemora* explains: This is because it is as if he said, “This cup should be forbidden to me like a *korban*.” And if you might counter that he should have said that (*that he is making a Neder against drinking this cup*), he (the drunk) thinks (to himself), “[If I vow just for that specific cup] they will bring before me another cup and harass me (until I drink it). I therefore will say to them something (that I am a *nazir*) which is absolute to them (*so they won’t bother me*).” The *Mishna* then proceeds to relate the incident with the drunken woman (*which supports the last ruling*). (11a1)

Mishna

If one says, “I am hereby a *nazir* on the condition that I will drink wine,” or he says, “I am hereby a *nazir* on the condition that I may become *tamei* to the dead,” he is a *nazir* and all the prohibitions apply to him.

If the *nazir* says, “I knew that there is *nezirus*, but I did not know that I would be prohibited from wine,” he is nevertheless forbidden from wine. Rabbi Shimon permits him to drink wine (*for Rabbi Shimon holds that he is not a nazir until he accepts all of the halachos*).

If the *nazir* says, “I knew that a *nazir* is forbidden from wine, but I figured that the *Chachamim* would permit me to drink it because I cannot survive without wine,” or he said, “I figured that the *Chachamim* would permit me to contract *tumah* from the dead because that is

what I do" (*he is a gravedigger*), he is permitted. Rabbi Shimon says: He is a *nazir*. (11a1 – 11a2)

A Condition Contrary to the Torah

The *Gemora* asks: Why didn't Rabbi Shimon argue in the first case of the *Mishna*?

Rabbi Yehoshua ben Levi says: He really does argue on the first case as well (*when the Mishna says: "Rabbi Shimon permits him to drink wine," he is referring to both cases*).

Ravina says: Rabbi Shimon does not dispute the first case, for he is stipulating against that which the Torah states (*when he says, "I am hereby a nazir on the condition that I will drink wine"*) and such conditions are null and void.

The *Gemora* asks: How does Rabbi Yehoshua ben Levi reply to Ravina's argument?

The *Gemora* answers: Rabbi Yehoshua ben Levi would hold that here it is not a condition, but rather an exception (*he is declaring himself to be a nazir for all its halachos except for the prohibition against drinking wine; this exclusion is not voided and therefore he is not a nazir, for he did not accept all of the nazir's halachos*).

The *Gemora* cites a *braisa* supporting Ravina: If one says, "I am hereby a *nazir* on the condition that I will drink wine," or he says, "I am hereby a *nazir* on the condition that I may become *tamei* to the dead," he is a *nazir* and all the prohibitions apply to him. This is because he is stipulating against that which the Torah states and such conditions are null and void. (11a)

Chachamim and Rabbi Shimon

The *Mishna* had stated: If the *nazir* says, "I knew that a *nazir* is forbidden from wine, but I figured that the *Chachamim* would permit me to drink it because I cannot survive without wine," or he said, "I figured that the *Chachamim* would permit me to contract *tumah* from the dead because that is what I do" (*he is a gravedigger*), he is permitted. Rabbi Shimon says: He is a *nazir*.

The *Gemora* asks: But the *Mishna* in its initial ruling ruled that the *Chachamim* say that he is a *nazir* and Rabbi Shimon permits him (*why are the opinions reversed in this case*)?

The *Gemora* answers: The *Mishna* should be emended to say that the *Chachamim* say he is a *nazir* and Rabbi Shimon permits him.

Alternatively, the *Gemora* answers: Do not reverse their opinions. In the first case of the *Mishna* (*where he said: "I knew that there is nezirus, but I did not know that I would be prohibited from wine"*), he accepted *nezirus* from only one of the *nazir's halachos*. The *Chachamim* rule that he is nevertheless a *nazir* and Rabbi Shimon rules that he is not a *nazir*, for he did not accept all of the *nazir's halachos*. However, in the latter case (*where he said: "I knew that a nazir is forbidden from wine, but I figured that the Chachamim would permit me to drink it because I cannot survive without wine"*), he accepted all of the *nazir's halachos* and later went to a sage to annul one of its *halachos*. According to the *Chachamim*, who hold that a person is a *nazir* even if he only accepts one of the *nazir's halachos*, so too, when one of its *halachos* are annulled, all of the *halachos* are annulled and he is not a *nazir* any longer. However, according to Rabbi Shimon, who holds that a person is not a *nazir* if he only accepts one of the *nazir's*

halachos, so too, he is not able to have one of its *halachos* annulled, and he therefore remains a *nazir*.

Alternatively, the *Gemora* answers: The *Chachamim* and Rabbi Shimon are arguing with respect to the *halacha* of an unavoidable vow, and it is related to the dispute between Shmuel and Rav Assi.

For we learned in a *Mishna*: There are four types of *nedarim* that are (automatically) permitted. They are: A motivational *neder*; an insignificant *neder*; an accidental *neder*; an unavoidable *neder*.

And Rav Yehudah said in the name of Rav Assi: The four *nedarim* (mentioned in the *Mishna*) are valid and require annulment from a sage.

When this was said before Shmuel, he asked: The *Mishna* says that they are permitted and you say that they require a sage?

The *Chachamim* hold like Shmuel with respect to an unavoidable vow. (An unavoidable vow is automatically permitted and therefore they rule in the last case of the *Mishna* that he is not a *nazir*. The case must be where he initially accepted all the *halachos* of *nezirus* to take effect at a later time. Later, before his *nezirus* started, something occurred that forced him to drink wine or to become *tamei* to the dead. Under these new circumstances, he would never have accepted *nezirus* upon himself. The *Chachamim* rule that he is not a *nazir*.) Rabbi Shimon is ruling like Rav Assi (and he is therefore a *nazir* until the *nezirus* is annulled by a sage). (11a – 11b)

Mishna

If one said, “I am hereby a *nazir*, and I obligate myself to bring the *korbanos* for a different *nazir* to shave”

(upon completion of a *nezirus*, the *nazir* brings *korbanos* together with the shaving of his head), and his fellow heard him and said, “And I, and I obligate myself to bring the *korbanos* for a different *nazir* to shave,” if they are intelligent, they can bring the *korbanos* for each other, but if not, they are required to bring the *korbanos* for other *nezirim*. (11b)

And I

The *Gemora* inquires: What would the *halacha* have been if the fellow would have just said, “and I”? Would his declaration “and I” be referring to the entire declaration of the first one, or perhaps it would only be referring to part of his declaration? If you will conclude that it was only referring to part of his declaration, would he be referring to the first part (accepting *nezirus*), or to the second part (bringing the *korbanos* for his fellow)?

The *Gemora* proves from our *Mishna*, where the fellow stated both declarations (“and I,” and “I obligate myself etc.”) that if he would have only said “and I,” it would have been referring to only part of his declaration.

The *Gemora* asks: But which part would it have been referring to?

The *Gemora* answers: Since the *Mishna* said explicitly (in his second declaration), “and I obligate myself to bring the *korbanos* for a different *nazir* to shave,” this proves that his first statement “and I” would have only been referring to the first part (the acceptance of *nezirus*). (11b)

INSIGHTS TO THE DAF

Conditions

The *Mishna* states: If one says, “I am hereby a *nazir* on the condition that I will drink wine and become *tamei*”

to the dead," he is a *nazir* and all the prohibitions apply to him.

The *Gemora* explains: Everyone agrees to this *halacha*, for he is stipulating "against that which the Torah states and such conditions are null and void.

Tosfos asks: Why was it necessary for the *Gemora* to state this reason? The *Gemora* could have said the following: There is a principle that anything which cannot be performed through an agent, cannot take effect with a condition either. Since *nezirus* cannot be accomplished through an agent, it should not take effect with any condition (*even if the stipulation is not against that which is written in the Torah!*)

Tosfos answers: Since others are able to bring the *korbanos* for him, *nezirus* is regarded as something that can be performed through an agent.

The Gerrer Rebbe (Pnei Menachem in the sefer *Torascha Shasu'oy*) uses this Tosfos to answer the following question: It is written [Breishis 28: 20 – 21]: And Yaakov uttered a vow, saying, "If God will be with me, and He will guard me on this way, upon which I am going, and He will give me bread to eat and a garment to wear; and if I return in peace to my father's house, and the Lord will be my God. A *neder* cannot be fulfilled through an agent, so a conditional *neder* should not take effect!

According to our Tosfos, he suggests as follows: A *neder* with respect to *hekdesh* may be performed through an agent. One person can consecrate something for his fellow. Although Yaakov's *neder* was not a *neder* regarding *hekdesh*; since *nedarim* in general could be performed through an agent, all *nedarim* may take effect even with a condition attached.

The Ramban answers Tosfos' question by saying that the principle of "anything which cannot be performed through an agent, cannot take effect with a condition either" only applies by something that a person does with his fellow. However, when a person stipulates a condition with himself, the condition is valid and takes effect even though all of the guidelines effecting conditions are not met. Since by *nazir*, his condition is only relevant to himself, the condition takes effect even though *nezirus* cannot be performed through an agent.

DAILY MASHAL

Combatting his Yetzer Hara

When a man sees how handsome he is (leading to a feeling of arrogance) the yetzer hara is immediately aroused, with the intention of distracting him and leading him astray in order to undermine his existence. For this is the goal of the yetzer hara: To destroy a structure which has a stable existence. When the structure is already in a tenuous state, there is no need to undermine it further, and the yetzer hara leaves it alone. This young man (mentioned in the *Gemora* in *Nazir*) recognized how vulnerable he was to the yetzer hara, and in order to remove (and undermine) the source of his arrogance (which he understood as being the breeding ground for the yetzer hara, and caused by a lack of sufficient clarity of his dependency on G-d) he vowed to cut off his hair for the sake of Heaven. (How much of our arrogance is caused by unwarranted attention given to our appearance? How much of that attention is caused by our need to cover up our own feelings of insecurity?) It was for this reason that Shimon HaTzadik praised him with the blessing that there should be more Jews who undertake *nezirus* for these pure motivations, and applied the phrase "an oath for the sake of Heaven" to this person.