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Nazir Daf 13

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Daf Notes is currently being dedicated to the neshamot of

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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

Mishnah

If someone says: “I will be a *nazir* when I will have a son,” he becomes a *nazir* when he has a son. If he has a daughter, or a *tumtum* (no signs of gender), or an androgynous (signs of both genders), he does not become a *nazir*. If he says, “I will be a *nazir* when I will have a child,” he becomes a *nazir* even if he has a daughter, *tumtum*, or an androgynous.

If his wife miscarries (a child was born and died soon afterwards; we are uncertain if the baby was full term or not), he is not a *nazir*. Rabbi Shimon says: He should say the following (he rules that he is a *nazir* out of doubt; the problem is that if he is not a *nazir*, he is forbidden from shaving his head and he is not allowed to bring a *korban chatas*): “If the child was viable, I am already a *nazir* for my previous obligation, but if not, I am voluntary declaring myself to be a *nazir*.”

If his wife gives birth again, he is a *nazir*. Rabbi Shimon says: He should say the following (he rules that he is a *nazir* out of doubt): “If the first child was viable, my first *nezirus* was obligatory and this one is voluntary, but if the first child was not viable, the first *nezirus* was voluntary and this one is obligatory.” (12b3 – 13a1)

A Son Only

The *Mishnah* had stated: If someone says: “I will be a *nazir* when I will have a son,” he becomes a *nazir* when he has a son.

The *Gemora* asks: Isn’t this ruling obvious? For what purpose did the *Mishnah* teach it to us?

The *Gemora* answers: It is for the next ruling: If he has a daughter, or a *tumtum*, or an androgynous, he does not become a *nazir*.

The *Gemora* asks: Isn’t this *halachah* also obvious?

The *Gemora* answers: You might have thought that when he said, “when I will have a son,” he meant “when I will be built up” (and then he will be a *nazir* even if his wife has a daughter, *tumtum*, or androgynous). The *Mishnah* teaches us that he is only a *nazir* if his wife has a son. (13a1 – 13a2)

Any Child Will Do

The *Mishnah* had stated: If he says, “I will be a *nazir* when I will have a child,” he becomes a *nazir* even if he has a daughter, *tumtum*, or an androgynous.

The *Gemora* asks: Isn’t this ruling obvious? For what purpose did the *Mishnah* teach it to us?

The *Gemora* answers: You might have thought that only a child that is considered significant among people (such as a son) will fulfill his condition. The *Mishnah* teaches us that he is a *nazir* if his wife has any type of child. (13a2)

A Questionable Nazir

The *Mishnah* had stated: If his wife miscarries (*a child was born and died soon afterwards; we are uncertain if the baby was full term or not*), he is not a nazir.

The *Gemora* notes that this *Tanna* must be Rabbi Yehudah, the *Tanna* of the *braisa* discussing the silo. (*If someone said that he will be a nazir on condition that in this silo there are one hundred kur (type of measurement), and it was found out that some of the grain was stolen or lost and there is therefore no way of knowing for sure how much grain was there, Rabbi Shimon says he must be a nazir as a doubt of nezirus is resolved stringently. Rabbi Yehudah said: He does not have to be a nazir, as a doubt of nezirus is resolved leniently. So too, in our case, Rabbi Yehudah rules that a questionable nazir is not regarded as a nazir.*) (13a2)

Twins

The *Mishnah* had stated: Rabbi Shimon says: He should say the following (*he rules that he is a nazir out of doubt; the problem is that if he is not a nazir, he is forbidden from shaving his head and he is not allowed to bring a korban chatas*): "If the child was viable, I am already a nazir for my previous obligation, but if not, I am voluntary declaring myself to be a nazir."

Rabbi Abba inquired of Rav Huna: If someone says: "I will be a nazir when I will have a son," and his wife miscarried, and he designated *korbanos* for the *nezirus*, and then she gave birth again (*she was carrying twins*), what is the *halachah* (*the korbanos cannot be consecrated before the nezirus, so the question is if the first child was viable*)?

The *Gemora* elaborates: If this question is being posed according to Rabbi Shimon, it should not be an inquiry at all, for he holds that we rule stringently with respect to a questionable *nezirus*. Rather, the question is being posed according to Rabbi Yehudah, for he holds that we rule

leniently with respect to a questionable *nezirus*. Do the sacrifices have sanctity or not?

The *Gemora* asks: What is the practical halachic difference (*since he is anyways a nazir because of the second birth*)?

The *Gemora* answers: The difference would be in regard to shearing it and working with it (*which would be forbidden if the animals are sacred*).

The *Gemora* concludes: This question should remain unresolved. (13a2)

And I

Ben Rachumi inquired of Abaye: If someone says: "I will be a nazir when I will have a son," and his friend heard and said, "And I also obligate myself," what is the *halachah*? Is the second person referring to the words of the first person (*and he will be a nazir when the first person has a son*), or is he referring to himself?

If you will say that he is referring to himself, what would be the *halachah* in the following case: Someone says: "I will be a nazir when I will have a son," and his friend heard and said, "And I"? Is he referring to himself (*and he will be a nazir when he has a son*), or is he saying this: "I love you as much as you love yourself" (*and he will be a nazir when the first person has a son*)?

If you will conclude that whenever he says it in the presence of the first person, he would be ashamed to be referring to himself (*for the first person assumingly made the vow in this manner out of distress that he does not have a son; it would be awkward for the second person to make a vow in his presence in order that he should also have a son*), what, however, would be the *halachah* in the following case: If someone says: "I will be a nazir when So-and-so will have a son," and his friend heard and said,



“And I”? Do we say that since the other person is not present, he is referring to himself (*and he will be a nazir when he has a son*), or is he saying this: “I love him as much as you love him” (*and he will be a nazir when the first person has a son*)?

The *Gemora* concludes: This question should remain unresolved. (13a2 – 13b1)

Mishnah

If someone says, “I am hereby a *nazir*, and I will be a *nazir* again when I have a son,” and he started counting his own *nezirus* (*his initial unconditional nezirus*), and then a son was born to him, he finishes counting his *nezirus* (*he brings the korbanos and shaves his head*) and then he counts the *nezirus* for his son.

If he says, “I will be a *nazir* when I have a son and I am also hereby a *nazir*,” and he started counting his own *nezirus* (*his initial unconditional nezirus*), and then a son was born to him, he stops counting his *nezirus* and begins to count the *nezirus* for his son, and then (*after he finishes the nezirus for his son; he does not bring korbanos now, nor does he shave his head*) he returns to finish his own *nezirus* (*and upon completion of this nezirus, he shaves his head and brings two sets of korbanos*). (13b1)

INSIGHTS TO THE DAF

Son, but not a Daughter

If someone says: “I will be a *nazir* when I will have a son,” he becomes a *nazir* when he has a son. If he has a daughter, or a *tumtum* (*no signs of gender*), or an androgynous (*signs of both genders*), he does not become a *nazir*.

Tosfos explains: He declares the *nezirus* in this manner as a way of thanking Hashem for providing him with a son.

The Beis Yosef explains that according to Tosfos, it is understandable why the *Mishnah* said “a son,” and not “a daughter,” for otherwise, we would have said that the *Mishnah* was not precise with its wording.

The Mabit (1:120) adds that if he would have a daughter, he would not be a *nazir*, for he is saddened that he had a daughter and not a son. In general though, a daughter would be included when he says, “a son.”

The Meiri writes that the explanation of the *Mishnah* is as follows: Even though the word “son” connotes any child, and not necessarily a son, but its primary meaning suggests a male child.

Daughter, not a Tumtum

If someone says: “I will be a *nazir* when I will have a son,” he becomes a *nazir* when he has a son. If he has a daughter, or a *tumtum* (*no signs of gender*), or an androgynous (*signs of both genders*), he does not become a *nazir*.

Tosfos explains that he does not regard a *tumtum* or an androgynous as his son.

The Maaseh Rokeach wonders what would be the *halachah* if he said, “I will be a *nazir* when I will have a daughter,” and he has a daughter, or a *tumtum*, or an androgynous. Do we say that he is not a *nazir*, for his condition was not met? Or perhaps, he will be a *nazir*, for when he said “a daughter,” he meant “when he will be built up,” and he is considered “built” with a son, *tumtum* or androgynous. Although the *Gemora* said that he does not mean, “when he will be built up,” perhaps that is only when he declared to be a *nazir* on the condition that he will have a son, but if he said, “when I will have a daughter,” perhaps they would be included, for it

changed for the better (*when his wife gives birth to a son*)?

The Keren Orah writes that whether he says, “when I will have a son” or if he says, “when I will have a daughter,” a *tumtum* will not be included. Even if he says, “I will be a *nazir* when I have a son or a daughter,” and his wife gives birth to a *tumtum* or an androgynous, he will not be a *nazir*.

Clear Expression

If he says, “I will be a *nazir* when I will have a child,” he becomes a *nazir* even if he has a daughter, *tumtum*, or an androgynous.

If his wife miscarries (*a child was born and died soon afterwards; we are uncertain if the baby was full term or not*), he is not a *nazir*. Rabbi Shimon says: He should say the following (*he rules that he is a nazir out of doubt; the problem is that if he is not a nazir, he is forbidden from shaving his head and he is not allowed to bring a korban chatas*): “If the child was viable, I am already a *nazir* for my previous obligation, but if not, I am voluntary declaring myself to be a *nazir*.”

The Rishonim explain that if he would not make such a condition, he would remain a questionable *nazir* for the rest of his life. He would be forbidden to shave, drink wine or become *tamei* to the dead.

The Brisker Rav explains that that this is not a deficiency in the *halachah* of *hafla’ah* (*clear expression*) that there is by *nezirus*. A clear expression of *nezirus* is required in order to accept an obligation of *nezirus* on oneself. Here, there is a clear acceptance of *nezirus*, and of that, there is no issue. The question arises only because he stipulated a time for the *nezirus* to take effect, and we are uncertain if the condition was met. This is why he would remain a

questionable *nazir* for the rest of his life unless he utilizes Rabbi Shimon’s ploy.

DAILY MASHAL

Normally a person vows *nezirus* out of remorse for a sin that he committed. But as the *nezirus* drags on, he may come to regret the *nezirus* itself, as it becomes more difficult than he anticipated. This regret is even more likely when the person began the *nezirus* out of feelings of remorse for an earlier act, indicating that his decisions are frequently subject to vacillation. Just as he swung from a sinful act to an act of self-denial, it is possible that, as the difficulty of the *nezirus* weighs on him, he will once again change his mind. One who is not motivated by any regret makes his *nezirus* purely for the sake of Heaven.