

11 Tishrei 5776  
Sept. 24, 2015



Nazir Daf 33

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

**Tzvi Gershon ben Yoel (Harvey Felsen) o”h**

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**

They (*six people*) were walking on a road, and there was one person coming towards them. One of them said, “I am hereby a *nazir* that this person is So-and-so,” and a second one said, “I am hereby a *nazir* that this person is not So-and-so.” The third one said, “I am hereby a *nazir* that one of you (*the first two*) is a *nazir*,” and the fourth one said, “I am hereby a *nazir* that one of you (*the first two*) is not a *nazir*.” The fifth one said, “I am hereby a *nazir* that both of you (*the first two*) are *nezirim*.” The sixth person said, “I am hereby a *nazir* that all of you (*the first five*) are *nezirim*.” Beis Shamai rules that they are all *nezirim* (*their stipulations are not actual conditions; they truly meant to become a nazir regardless of the identity of the person coming towards them*). Beis Hillel rules that none of them are *nezirim* except the one whose words were not fulfilled. (*The Gemora will explain this opinion.*) Rabbi Tarfon holds that none of them are *nezirim*.

If the approaching person turned around (*and therefore, his identity remained unknown*), none of them are *nezirim*. (*The Gemora will explain why.*) Rabbi Shimon says: He should say, “If it was like I said, I am a *nazir* by my previous obligation; but if not, I am hereby a voluntary *nazir*.” (*Rabbi Shimon holds that in cases of uncertainty, he is regarded as a possible nazir, and since he is forbidden to bring unnecessary korbanos, and he is forbidden to shave his entire head if he is not indeed a nazir, he therefore must declare a voluntary nezirus upon himself just in case the condition was not fulfilled.*) (32b)

### **Explaining Beis Hillel**

The *Mishna* had stated: Beis Hillel rules that none of them are *nezirim* except the one whose words were not fulfilled.

The *Gemora* asks: Why is he a *nazir* if his words were not fulfilled?

Rav Yehudah emends the *Mishna* to say that none of them are *nezirim* except the one whose words were fulfilled.

Abaye says: The case is where he added, “If it is not So-and-so, I am hereby a *nazir*.” (*The novelty of this ruling is that he may retract from his original statement if his retraction was within the time of an utterance.*) [Accordingly] What does Beis Hillel mean when they said, “His words did not come to fruition?” They meant that his first words did not come to fruition; only his second words. (32b – 33a)

### ***The Anonymous Man***

The *Mishna* had stated: If the person whose identity their *nezirus* depended on turned around and they were unable to identify him, none of them are *nezirim*.

The *Gemora* deduces: This is only because he turned around. This implies that if he had arrived (*and been identified*), one of them would be a *nazir*.

According to whose opinion is the *Mishna* following? It cannot be reflecting Rabbi Tarfon’s opinion, for he would say that he is not a *nazir* since at the time of his declaration, it was uncertain if that person was indeed So-and-so or not. Did we not learn in a *braisa* that Rabbi Yehudah said in the name of Rabbi Tarfon (*regarding the case of a person who said, “I am a nazir if that man is So-and-so,” and another person said, “I am a nazir if that man is not so-and-so”*), neither of them is a *nazir*, for *nezirus* can only take effect when there is a clear expression (*without any doubt; even if later we find out that the condition was met*)?

The *Gemora* answers: It is in accordance with Rabbi Yehudah, the author of the *braisa* regarding a silo. For the *braisa* states: 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. (*We assume that a person does not intend to become a questionable nazir and therefore he is positively not a nazir.*)

[The Gemora explains Rabbi Shimon's opinion.] Rabbi Shimon holds that since if the grain had not been stolen, there might have been one hundred *kur*, and he would therefore be a *nazir*, so too now, he is ruled to be a *nazir* (on account of the possibility that the silo contained one hundred *kur*). And in our *Mishna* also: Since if the man would have arrived, we could have verified that he is indeed So-and-so, and the vower would be a *nazir*, so too now (that he turned around and we do not know his identity), he is ruled to be a *nazir* (for we must rule stringently). (33b – 34a)

## INSIGHTS TO THE DAF

### *The Anonymous Man*

The *Mishna* had stated: They (six people) were walking on a road, and there was one person coming towards them. One of them said, "I am hereby a *nazir* that this person is So-and-so," and a second one said, "I am hereby a *nazir* that this person is not So-and-so." The third one said, "I am hereby a *nazir* that one of you (the first two) is a *nazir*," and the fourth one said, "I am hereby a *nazir* that one of you (the first two) is not a *nazir*." The fifth one said, "I am hereby a *nazir* that both of you (the first two) are *nezirim*." The

sixth person said, "I am hereby a *nazir* that all of you (the first five) are *nezirim*."

Tosfos explains the rationale of each person: They (six people) were walking on a road, and there was one person coming towards them, who could not be identified from afar. One of them said, "I am hereby a *nazir* that this person is So-and-so," for he was convinced that he recognized the far away person to be Reuven.

The second one said, "I am hereby a *nazir* that this person is not So-and-so," for he was in fact certain that the person was not Reuven.

The third one said, "I am hereby a *nazir* that one of you (the first two) is a *nazir*," for he figured that one of them was certainly correct.

The fourth one said, "I am hereby a *nazir* that one of you (the first two) is not a *nazir*." He is in essence saying the same as the third one, except it is the converse of his declaration.

The fifth one said, "I am hereby a *nazir* that both of you (the first two) are *nezirim*," for he thinks that both of them should be a *nazir* since they both accepted upon themselves *nezirus*

according to what they honestly thought to be the truth.

The sixth person said, "I am hereby a *nazir* that all of you (*the first five*) are *nezirim*," for in his opinion, they should all be *nezirim*.

### ***Retracting from Nezirus and Hekdesh***

The *Mishna* had stated: Beis Hillel rules that none of them are *nezirim* except the one whose words were not fulfilled.

The *Gemora* asks: Why is he a *nazir* if his words were not fulfilled?

Rav Yehudah emends the *Mishna* to say that none of them are *nezirim* except the one whose words were fulfilled.

Abaye says: The case is where he added, "If it is not So-and-so, I am hereby a *nazir*." (*The novelty of this ruling is that he may retract from his original statement if his retraction was within the time of an utterance.*) [Accordingly] What does Beis Hillel mean when they said, "His words did

not come to fruition?" They meant that his first words did not come to fruition; only his second words.

The Tiferes Tziyon writes that this would be a distinction between the *halachos* of a *nazir* and the *halachos* regarding *hekdesh*. If one vows to become a *nazir* under a certain condition and immediately retracts, we accept his second declaration, for his intention is to become a *nazir*. However, regarding *hekdesh*, we would not allow one to retract from a vow declaring something to be *hekdesh*.

The Be'er Moshe disagrees and states that just like one may immediately retract from his *nezirus* vow, he may retract from a *hekdesh* declaration as well. He concludes that since the Rambam rules that one may not retract from *hekdesh*, even within the time of an utterance, it is apparent that he does not rule like our *Gemora*, and one may not retract from a *nezirus* vow either.