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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

Abaye asked: You have explained the *Mishnah's* ruling that an uncertainty regarding *nezirus* is treated leniently according to Rabbi Eliezer, but let us examine the next portion of that very *Mishnah*. The *Mishnah* states: If there is an uncertainty regarding any type of *bechor* (a male firstborn child, or the firstborn from a kosher animal, or from a donkey), the burden of proof rests on the *Kohen* (that the *Yisroel* owes him the redemption money or the animal), for he is attempting to take the property away from the possession of the owner. A *braisa* was taught that nevertheless, one may not shear the animal or work with it (for we rule stringently regarding its sanctity). (Abaye is asking: How can Rabbi Zeira explain the first portion of the *Mishnah* (regarding *nezirus*) according to Rabbi Eliezer, when the very next portion of the *Mishnah* rules stringently in respect to the uncertain *bechor*?)

Rabbi Zeira answers: You cannot compare sanctity that comes by itself (a *bechor*) to sanctity that comes about through the hand of man (where Rabbi Eliezer holds that a person does not intend to impose sanctity or a prohibition in cases of uncertainty; this logic does obviously not apply where the sanctity is acquired automatically).

The *Gemora* asks another question on Rabbi Zeira from the following *Baraisa*: Rabbi Meir maintains that Biblically speaking, liquids that are *tahor* and come into contact with something that is *tamei*, receive *tumah* from that item, but cannot make anything else *tamei*.

(They will, however, become *tamei* Rabbinically.) If there is a doubt if the liquids became *tamei*, (i.e. if one who is *tamei* extends his hand within liquids that are *tahor*, and it is uncertain if he touched the liquids or not), we are stringent (like by all doubts regarding Biblical law) and render the liquids *tamei*. If there arises a doubt if liquids that are *tamei* came into contact with food that is *tahor* (i.e. one was holding a stick and at the end of the stick were *tamei* liquids and he threw it amongst loaves of bread, and there is a doubt whether the stick with the liquid touched the loaves), we are lenient (since it is a matter of Rabbinical law) and we render the loaves *tahor*. Rabbi Eliezer also said like Rabbi Meir.

The *Gemora* develops its question: How can Rabbi Eliezer rule that in a case of uncertainty, the liquids are rendered *tamei*, when we learned differently in the following *Baraisa*? Rabbi Elozar says: Biblically, liquids cannot become *tamei*. Proof to this is from the testimony of Yosi ben Yoezer of Tzereidah. He testified that the type of grasshoppers called *ayal* are kosher, and may be eaten. He also testified that liquids of the *Beis HaMikdosh* butchering area are *tahor*, and cannot become *tamei*. (The liquids were the blood that would flow from the sacrifices and the water used to wash the meat after slaughtering. In general, these liquids are only considered *tamei* Rabbinically, and in the butchering area of the *Beis HaMikdosh*, there was no decree enacted because this would lead to *kodashim* being destroyed.) (The *Gemora's* question is: How can

Rabbi Eliezer rule in the first Baraisa that in a case of uncertainty, we rule stringently and the liquids are rendered tamei, when we see that he holds like Yosi ben Yoezer that liquids can only become tamei Rabbinically?)

The *Gemora* qualifies its question: Rabbi Elozar is understandable according to Shmuel's understanding of the testimony of Yosi ben Yoezer. For Shmuel said: This testimony was only said with regard to making other items *tamei*, but they themselves are *tamei* (because Shmuel maintains that Biblically speaking, liquids are susceptible to *tumah*). However, according to Rav, who maintains that Yosi ben Yoezer testified that the liquids of the butchering area in the Beis HaMikdash were entirely *tahor* (because Rav is of the opinion that Biblically speaking, liquids are not susceptible to *tumah* at all, and the concept of liquids becoming *tamei* is rabbinical in nature, and the Chachamim did not enact a decree in the Bais HaMikdash), what is there to say?

Rather, the *Gemora* offers an alternative answer to its original question (for according to Rav, we cannot assert that the *Mishnah* which stated that we rule leniently in cases of an indeterminate *nezirus* is following Rabbi Eliezer's opinion, so why by *nedarim* does our *Mishnah* rule stringently?): The *Mishnah* about *nezirus* is in accordance with Rabbi Yehudah and our *Mishnah* about *nedarim* is in accordance with Rabbi Shimon. For we learned in the following *Baraisa*: If one says, "I am hereby a *nazir* if there are a hundred *kors* of grain in this pile," and he found that the grain was stolen or lost (and they could not be measured), Rabbi Yehudah says that he is not a *nazir* (for he did not intend to become a *nazir* unless it is absolutely clear that there were a hundred *kors* in the pile). Rabbi Shimon rules that he is a *nazir*. (It emerges that Rabbi Yehudah treats

vows leniently, whereas Rabbi Shimon treats them stringently.)

The *Gemora* asks a contradiction regarding Rabbi Yehudah's opinion: Does Rabbi Yehudah actually hold that a person does not bring himself (to a prohibition) in a case of uncertainty? But we learned in our *Mishnah*: Rabbi Yehudah says: One who said, "This is forbidden to me like *terumah*" (and he did not explain if he was referring to the *terumas ha'lishkah* or like the *terumah* given to the *Kohanim*), if he resides in Yehudah, it is presumed forbidden, while in the Galil it is permitted, as people in the Galil who said *terumah* certainly wouldn't mean the *terumas ha'lishkah* (as they were far away from *Yerushalayim* and therefore did not commonly talk about it). The reason that the vow is not valid is because people there do not recognize the *terumas ha'lishkah*; but if they would be familiar with it, the vow would be valid! (It would seem from here that Rabbi Yehudah is holding that a person does not bring himself to a prohibition in a case of uncertainty!)?

Rava offers a different explanation for Rabbi Yehudah's opinion in the *Baraisa*: When one says, "I am hereby a *nazir* if there are a hundred *kors* of grain in this pile," and he found that the grain was stolen or lost (and they could not be measured), Rabbi Yehudah says that he is not a *nazir* because of the following reason: Whenever the prohibition based upon the uncertainty is more severe than the prohibition of the definite case, we say that a person does not bring himself (to a prohibition) in a case of uncertainty. He explains: A definite *nazir* brings *korbanos* that are eaten and he may shave his hair; but a doubtful *nazir* may not shave his hair ever (since shaving his hair can only be done together with the *korbanos* and since it is questionable if he is really a *nazir*, he cannot bring the *korbanos*, for he would be

transgressing the prohibition of bringing unconsecrated animals to the Temple Courtyard).

Rav Huna bar Yehudah asked Rava: What would the *halachah* be if one would say, “I am hereby a permanent *nazir* if there are a hundred *kors* of grain in this pile,” and he found that the grain was stolen or lost (*and they could not be measured*)? (*In this case, there is seemingly no difference between the halachos based upon the uncertainty and those of the definite permanent nazir since both may never shave!*)

Rava replied: Even in this case, the prohibition based upon the uncertainty is more severe than the prohibition of the definite case because a definite permanent *nazir* is permitted to shave with a razor (*trim*) if his hair gets too heavy and bring the *korbanos*. A questionable permanent *nazir* may not do so.

He asked Rava another question: What would the *halachah* be if one would say, “I am hereby a Samsonite *nazir* (*he is forbidden to shave his hair and drink wine, but he is allowed to become tamei; he is also a nazir forever with no allowance to trim his hair*) if there are a hundred *kors* of grain in this pile,” and he found that the grain was stolen or lost (*and they could not be measured*)? (*In this case, there is seemingly no difference between the halachos based upon the uncertainty and those of the definite Samsonite nazir since both may never shave!*)

Rava responded: The *Baraisa* was not referring to the case of the Samsonite *nazir* (*and Rabbi Yehudah would not rule leniently in that case*).

Rav Huna asked him: But Rav Adda bar Ahavah said that this case was taught in a *Baraisa*?

Rava said: If this is the case, then so be it (*and he could not explain the reason for it*).

Rav Ashi proposes an answer to this question: Perhaps the *Baraisa* is in accordance with what Rabbi Yehudah said in the name of Rabbi Tarfon. For we learned in a *Baraisa*: Rabbi Yehudah said in the name of Rabbi Tarfon: A person 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; accordingly, the Baraisa of the Samsonite nazir would be in accordance with Rabbi Yehudah in the name of Rabbi Tarfon*).

The Gemora asks: if so, why did the *Baraisa* discuss a case where the grain was stolen or lost (for according to Rabbi Tarfon, even if the grain was here and could be measured, and it emerged that it did indeed contain that specific volume, the *nezirus* vow would still be ineffective)?

The Gemora answers: it is to inform us of the strength of Rabbi Shimon’s argument, that (the *nezirus* vow is effective) even if the grain was stolen or lost, for he holds that a person may also bring himself (*to a prohibition as a nazir*) in a case of uncertainty. (19a1 – 19b2)

INSIGHTS TO THE DAF

Ruling Leniently by a Nazir, Even Nowadays

The *Baraisa* 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.

The Mefarsh explains that we do not rule that he should be a *nazir* based upon our uncertainty, since we do not want that he should offer unconsecrated sacrifices (*if he is actually not a nazir*) into the Beis Hamikdosh upon conclusion of his *nezirus*.

It should emerge, according to this logic, that nowadays, when there are no *korbanos*, and the aforementioned concern is not applicable, Rabbi Yehudah should agree that we should rule stringently that he is a *nazir*.

However, the Maharam Mipadava (71) writes that we find many places that the ruling does not change because perhaps the Beis Hamikdosh will be built the following day. So too, here, we say that the Beis Hamikdosh might be built the following day, and he will be bringing unconsecrated offerings into the Beis Hamikdosh. Therefore, the ruling remains that he is not regarded as a *nazir*.

DAILY MASHAL

The Sanctity of Speech

The Torah says: "He shall not profane his word; he shall do everything that comes out of his mouth" (Bemidbar 30:3). The Magid of Kozhnitz zt"l said that a person who observes his speech not to profane it purifies his power of speech to the point where his words are heard Above (He will do everything that comes out of his

mouth...) in the sense of "a tzadik makes a decree and Hashem upholds it" ('Avodas Yisrael).