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Nazir Daf 12

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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

### **Women and Birds**

Rav Yitzchak bar Yosef said in the name of Rabbi Yochanan: If someone says to a messenger, “Go and betroth a wife for me” (*and the messenger died without ever reporting back*), he (the sender) is forbidden to marry any woman in the world. This is because a messenger is presumed to have fulfilled his assignment. Being that the principal did not specify any specific woman to the messenger, he does not know whom the messenger betrothed for him (*he therefore cannot marry anyone, as he might be marrying his wife’s sister, mother, etc. who are forbidden to him by Torah law*).

Rish Lakish asked Rabbi Yochanan a question from the following *Mishnah*: [Kinnim is the plural of the word *kein* (a bird’s nest) and it refers here to a pair of birds brought as a sacrifice. Certain people who became tamei are obligated to bring a pair of birds, one as an *olah* and one as a *chatas*. This tractate deals with a case where birds got mixed up and it is not clear which was meant to be an *olah* and which was meant to be a *chatas*.] A person set aside an unspecified pair of birds to be his required *korbanos*. One pigeon of the pair flew away to the open air of the world, or flew (and became mixed) amongst *chatas* birds that must be left to die (*because their owners had died*), or one of the pair died, the halachah is as follows: he takes a partner for the second bird. This implies that if this scenario happened to a designated pair (that one was specified as a *chatas* and one as an *olah*), there is no remedy (*for the remaining bird, for the service performed with an olah is different than a chatas, and therefore he must obtain two new birds*). Rish Lakish asked: This implies that all other pairs of birds in the world are fit. But why? Let us say that (*after this incident where the bird*

*flew away*) that each and every bird (brought for a *korban*) is this very bird (that flew away, and would thus be unfit)!?

Rabbi Yochanan said to him: I am discussing a woman who does not move about (as the messenger probably betrothed her at her house; therefore the rule of majority does not apply and every woman might be the relative of the woman he betrothed; when a doubt arises after an item has been separated from its fixed station, the rule of majority applies; however, if the doubt arises in a fixed station, the law governing majority does not apply and it is legally viewed as being a case of “fifty-fifty”), and you are asking me a question regarding a prohibition (the bird that flew away) that moves (and the rule of majority applies)? And if you will say that here, as well, we are speaking about a case of ‘movement,’ for perhaps he betrothed her in the street (and therefore the rule of majority should apply), [I will respond to you that] there the woman has returned to her set place (and when he wants to marry a different woman, the rule of majority cannot apply, for the first woman is now in a fixed place), whereas by the birds, does it return? [No, it does not, and therefore the rule of majority is always in effect.]

Rava says: Rabbi Yochanan agrees that in a case where a woman has no daughter, nor a daughter’s daughter, nor a son’s daughter, nor a mother, nor a mother’s mother, nor a sister, and even if she had a sister but she was divorced after this (after the messenger was sent to betroth her), that this woman would be permitted (for she could not possibly be related to the woman whom the messenger betrothed).

What is the reason for this (that a woman, who had a sister who was divorced after the messenger was appointed, is permitted)? This is because at the time when he (the

principal) said to him (the messenger), she was married to a man, and when a person commissions a messenger, he does so only for something that is available to him (at that time), but for something that is not available to him, he does not commission a messenger. (11b3 – 12a3)

### **Do We Only Deal with the Present?**

Our *Mishnah* had stated: 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*.

The *Gemora* asks: It is understandable for the second person (that the second *nazir* can pay for the *korbanos* of the first *nazir*), as the first person was here before him (as a *nazir* at the time when the second person made the vow). [*Using the logic in the Gemora’s previous discussion that someone (in that case – the principal) only deals with what is before him at the time (the women who were currently permitted to him), the first person was already a nazir, and therefore he was taken into account as an eligible candidate for the second nazir’s vow.*] However, the first person – was the second person here before him (as a *nazir* at the time when the first person made the vow)? [No, he was not! He, therefore, could not have been taken into account!?] Rather, this is what he was saying: If I find another *nazir* (in the future when I ready to fulfill my vow) I will shave him (i.e., I will provide for his sacrifices). he will sponsor his *korbanos*. Accordingly, here as well, why don’t we say that he (the principal) was telling him (the messenger) as follows: If you find a divorced woman, betroth her for me (even if she was married at the time of the commission)?

The *Gemora* answers (revising what Rava has said before): They said: When a person commissions a messenger, he

does so only for something that he can currently perform himself, but for something that he can currently perform himself, he does not commission a messenger.

The *Gemora* asks: But does he not? It was taught in a *Baraisa*: One who says to guardian (*one who will be taking care of his property in order to sustain his wife and children while he is away*), “All *nedarim* that my wife will make from now until I return from Such-and-such a place, you shall revoke.” If the guardian went and revoked them, you might think that her vows are indeed revoked. The Torah teaches us: *Her husband will confirm them and her husband will revoke them*. These are the words of Rabbi Yoshiyah. Rabbi Yonasan said: Throughout the Torah, we find that an agent of a person is just like himself (*and therefore, the guardian may revoke her vows for the husband*).

Now, the reason that he cannot do so is because it is written: *Her husband will confirm them and her husband will revoke them*. But, if not for this, he (the guardian) would have been empowered to revoke her vows.

Yet, with respect to the husband, we have learned in the following *Mishnah*: One who says to his wife, “All *nedarim* which you will make until I come back from Such-and-such a place shall be confirmed,” he has said nothing (*for these nedarim are not in existence yet*). If, however, he said, “they shall be revoked,” Rabbi Eliezer said: They are revoked. The *Chachamim* say: They are not revoked.

[*The Gemora concludes its question.*] It was thought that Rabbi Yoshiyah said his opinion (that a caretaker cannot be appointed to revoke his wife’s future vows) according to the *Chachamim*, who say that he (the husband) cannot revoke his wife’s vows (in advance). But if it would not have written: *Her husband will confirm them and her husband will revoke them*, the guardian would be able to revoke (her vows in advance)!? [*Evidently, a person may commission a messenger to do something that he himself cannot do at the current time!?*]

The *Gemora* counters: Perhaps Rabbi Yoshiyah is in accordance with Rabbi Eliezer, who says that a husband could revoke his wife's vows (in advance)?

The *Gemora* asks: If so, why would the husband commission a messenger? Let him revoke her (future) vows himself!?

The *Gemora* answers: He (the husband) thinks: I may forget, or become angry, or be too busy. (12a3 – 12b2)

### **Mishnah**

If someone vows to shave (*and pay for the korbanos of*) half a *nazir*, and his friend heard him say this and said “and I,” Rabbi Meir says: They both must pay for an entire *nazir's korbanos*. The *Chachamim* say: Each one must only pay for half of a *nazir's korbanos*. (12b2)

### **Explaining the Argument**

Rava says: Everyone agrees that when someone says, “half of the *korbanos* of a *nazir* are upon me,” that he only has to pay for half of a *nazir's korbanos*. If he says, “the *korbanos* of a half-*nazir* are upon me,” he has to pay for the entire *korbanos* of a *nazir*. This is because we do not find any such thing as a “half-*nazir*.” The argument is regarding the terminology used in our *Mishnah*. Rabbi Meir says: Saying “it is upon me” already obligates him in the full *korbanos* of a *nazir* unless stated otherwise, and the terminology of “half a *nazir*” does not change this at all. The *Chachamim* say: This is a vow with an opening. [This is because the word “half” is after “it is upon me.” He can therefore claim that he meant “half of the *korbanos* of a *nazir* are upon me.”] (12b2 – 12b3)

### **DAILY MASHAL**

#### **Eliezer's Wit**

The *Gemora* states: One who tells his agent, “Go and betroth a woman for me” (*and the agent died*), the man is prohibited from marrying any woman in the world because there is a

presumption that the agent accomplished that which he was asked to do.

The *Mefarsh* explains: Since the man did not specify a particular woman for him to marry and we do not know which woman he betrothed, this man may not marry any woman, for we are concerned that the woman he wishes to marry is the mother, or daughter, or sister of the woman that the agent married for him.

The *Mahari Asad* uses this *Gemora* to answer the following questions: Avraham Avinu sent his servant Eliezer to find a suitable wife for his son, Yitzchak. Eliezer went to the house of Besuel. The Torah writes: *And he (Besuel) placed food in front of him (Eliezer) to eat, and he (Eliezer) said, “I cannot eat until I have spoken my words.”*

Why didn't Eliezer want to discuss with Besuel the instructions that Avraham, his master gave him before he ate?

Chazal say that Besuel intended to kill Eliezer by poisoning his food. What did Besuel hope to accomplish with that?

He explains: Besuel knew that if Eliezer would die, Yitzchak would be forbidden to all women in the world, for each and every woman might be the relative of the woman to whom Eliezer betrothed. This is why Besuel wanted Eliezer dead. Eliezer understood this and therefore refused to eat until he had spoken. He informed Besuel that Avraham gave him specific instructions that he should only take a wife for Yitzchak from his own family. Accordingly, even if Eliezer would die without notifying Avraham whom he betrothed, Yitzchak would only be forbidden to the women in his own family, but he would be permitted to all other women in the world. He was telling Besuel that he would not be accomplishing much by murdering him.