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Nazir Daf 33

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Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

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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

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.) (32b2 – 32b3)

Explaining Beis Hillel

The Mishnah 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 Mishnah 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. (32b3 – 33a)

The Anonymous Man

The Mishnah 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 Mishnah 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 Baraisa 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 Baraisa regarding a silo. For 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. (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 Mishnah 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 – 34a1)

INSIGHTS TO THE DAF

The Anonymous Man

The Mishnah 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 Mishnah 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 Mishnah 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 hekdesch. 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 hekdesch, we would not allow one to retract from a vow declaring something to be hekdesch.

The Be'er Moshe disagrees and states that just like one may immediately retract from his nezirus vow, he may retract from a hekdesch declaration as well. He concludes that since the Rambam rules that one may not retract from hekdesch, 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.

DAILY MASHAL

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.

A wealthy admirer of Rav Hirschprung passed away, leaving \$100,000 to the Rav. The Rav summoned a close confidant and asked him to compile a list of the many mosdos in town, and distribute the money equally. "But he left the money for the Rav's personal use; why give it away?" asked the talmid, but the Rav would hear none of it. "Perhaps the Rav could put away the money for his children's chasunas," he suggested, but again, the Rav, who had so little, spurned the idea. The talmid drew up the list, placing Beis Yaakov, which the Rav founded and heeded until his last day, at the top of the list. The Rav reviewed the list, and removed his school, Beis Yaakov, from the top, placing it together with all the city's institutions. "I don't want to pasken, to make a

decision, based on personal negios, partiality. I am partial to the needs of the school, so it doesn't belong where you placed it." (Warmed by their Fire)