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Refutation of Rav Chisda

Rami bar Chama asked on Rav Chisda from the following *Mishna*: If a *nazir* declared a standard term of *nezirus* (thirty days) and on his first day of counting a doubt arose if he became *tamei* with corpse *tumah*, and there was also a doubt if he became a confirmed *metzora* (two people came before a *Kohen*, and he declared one to be *tahor* and one to be *tamei*, and we are uncertain if the *nazir* was the one who was declared to be a *metzora*), the *halacha* is as follows: He is permitted to eat *kodoshim* after sixty days (a *metzora* is forbidden from eating sacrificial foods until he becomes *tahor*) and he may drink wine and become *tamei* from the dead after one hundred and twenty days.

[The explanation is as follows: There are times when it was unclear if the person was indeed inflicted with *tzaraas*. He was then kept in isolation for one or two weeks until the *Kohen* could decide if he was a *metzora* or *tahor*. Once the *tzaraas* goes away, the *metzora* gets sprinkled from the blood of a bird together with water. Afterwards, he is required to have all the hair on his body shaved with a razor. He then immerses in a *mikvah*, counts seven days, and on the seventh day shaves again and immerses himself in a *mikvah*. On the next day, he brings the special *korbanos* and becomes *tahor*. In this case, he cannot perform his first shaving, for perhaps he is not

a *metzora*, and a *nazir* is forbidden to shave his head. He therefore must wait thirty days until his *nezirus* is completed. He then may shave, and if he is indeed a *metzora*, that will be effective for his first shaving. He is still required to shave a second time after seven days for his purification process, but he cannot shave, for perhaps he is not a *metzora* and he is *tamei* from corpse *tumah*, and his first shaving was for the completion of his purification process from the corpse *tumah*. He then counts another thirty days for his *nezirus* and he cannot shave until he concludes them. He shaves again and if he was a *metzora*, it will be effective for his second shaving. He may then bring his *korbanos* on the following day and he is then permitted to eat *kodoshim*. That is what the *Mishna* means when it says that he is permitted to eat *kodoshim* after sixty days.

Now, if he was indeed *tamei* with corpse *tumah*, he would be required to shave again, for the shavings for his *tzaraas* cannot also count for a *nazir tamei*'s shaving. He cannot shave immediately, for perhaps he is not *tamei* from corpse *tumah*, and he would be obligated to observe thirty days of *nezirus*, which he had not accomplished while he was a *metzora*. Upon completion of these thirty days, he shaves again (which is the ninetieth day), but he is still not permitted in wine, for perhaps he was a *metzora* and *tamei* from corpse *tumah*, which means that he still

never observed thirty days of nezirus while being tahor. This shaving concludes his purification process from the corpse tumah, and then he observes another thirty days for his nezirus. On the one hundred and twentieth day, he shaves for a fourth time and only then will he be permitted to drink wine and become tamei from the dead.]

Rami bar Chama cites a *braisa*, which qualifies the ruling of the *Mishna*: The Teaching of the *Mishna* only applies with respect to a short *nezirus* (thirty days), however, with respect to a year-long *nezirus*, he is permitted to eat *kodoshim* after two years and he may drink wine and become *tamei* from the dead after four years (for the same reason as explained above).

Rami bar Chama concludes his challenge to Rav Chisda: Now, if you will hold like Rav Chisda (that with respect to a long *nezirus*, the days that a *metzora* is counting or the days that he is closeted are included in his counting towards his *nezirus* term), he should be permitted to drink wine and become *tamei* from the dead after three years and thirty days! (For if he was a *metzora* and *tahor* from corpse *tumah*, the days that he counted for the *tzaraas* are also counted for his *nezirus* and he would only be required to wait another thirty days for a thirty-day growth of hair for his *nezirus* shaving. And if he was a *metzora* and he was *tamei* from corpse *tumah*, the first two shavings are counted for his *tzaraas* and the third shaving after thirty days completes his purification process from the corpse *tumah*. He would be obligated to observe another year for his *nezirus*. By the fact that the *braisa* said that he will only be permitted to drink wine after four years, this proves

that the days of his tzaraas do not count at all for his nezirus. This contradicts the opinion of Rav Chisda!)

Furthermore, Rav Ashi challenges Rav Chisda from the following *braisa*: I only know that the seven days of a *nazir's* purification process from corpse *tumah* does not count towards the days of his *nezirus* (for since he forfeits all the previous days on account of becoming *tamei*, these days certainly do not count towards the days of his *nezirus*). How do I know that that the days of his confirmed *tzaraas* are not counted towards the days of his *nezirus*? And it stands to reason: Just like one who is *tamei* with corpse *tumah* shaves and brings a *korban*, and his days of *tumah* are not reckoned towards his days of *nezirus*; so too, with respect to a confirmed *metzora*. Since he also shaves and brings a *korban*, his days are not reckoned towards his days of *nezirus*.

The *braisa* argues with this logic: The two cases are not comparable. The days that he is *tamei* with corpse *tumah* cannot be reckoned towards his days of *nezirus* since he forfeits all the previous days on account of becoming *tamei*. However, a confirmed *metzora*, who does not forfeit his previous days, perhaps those days count towards his days of *nezirus*.

The *braisa* answers: It may be derived through the following *kal vachomer* (literally translated as light and heavy, or lenient and stringent; an a fortiori argument; it is one of the thirteen principles of biblical hermeneutics; it employs the following reasoning: if a specific stringency applies in a usually lenient case, it must certainly apply in a more serious case): We find by a *nazir* who accepted *nezirus* upon

himself while he was in a cemetery, where his hair is fit for the shaving upon completing his *nezirus* (as we learned above (16b) that he is only required to become *tahor*, and then he may begin his *nezirus*), and nevertheless, his days of *tumah* are not counted towards his days of *nezirus*; so a confirmed *metzora*, whose hair is not fit for the shaving upon completing his *nezirus*, shouldn't the *halacha* certainly be that his days of *tumah* do not count towards his days of *nezirus*!

The *braisa* continues: I only know that the days that he is a confirmed *metzora* does not count towards the days of his *nezirus*, but how do I know that that the days of the *metzora's* counting (in between his two shavings) are not reckoned towards the days of his *nezirus*? And it stands to reason: Just like a confirmed *metzora* shaves, a *metzora* who is counting also shaves. And just like the days of a confirmed *metzora* do not count towards his days of *nezirus*, so too, the days of a *metzora's* counting do not count towards his days of *nezirus*.

Perhaps, the *braisa* asks, this should apply to the days that he is closeted (to determine if he is indeed a *metzora*)? And the following reasoning should apply: Just like a confirmed *metzora* transmits *tumah* by lying or sitting on an object (known as *tumas mishkav u'moshav*) a *metzora* who is closeted also transmits *tumah* by lying or sitting on an object. And just like the days of a confirmed *metzora* do not count towards his days of *nezirus*, so too, the days that he is closeted should not count towards his days of *nezirus*.

The *braisa* argues with this logic: The two cases are not comparable. The days that he is a confirmed

metzora are not reckoned towards his days of *nezirus* since (we find a stringency by him that) he is required to shave and bring a *korban*. However, a closeted *metzora*, who is not required to shave and bring a *korban*, perhaps those days count towards his days of *nezirus*.

The *braisa* concludes: From here they said that the *metzora's* days of counting and his days of confirmed *tzaraas* do not count towards his days of *nezirus*. However, the days of a *zav* (man who sees emissions making him impure) and a *zavah* (same, but for a woman) and one who is closeted as a *metzora*, count towards the days of his *nezirus*.

Rav Ashi concludes his challenge to Rav Chisda: The *braisa* had stated: "The days that he is *tamei* with corpse *tumah* cannot be reckoned towards his days of *nezirus* since he forfeits all the previous days on account of becoming *tamei*. However, a confirmed *metzora*, who does not forfeit his previous days, perhaps those days count towards his days of *nezirus*." Which case of *nezirus* is the *braisa* referring to? If it is referring to a standard term of *nezirus* (thirty days), he would still be required to wait thirty days to grow out his hair (and his days of being a confirmed *metzora* cannot count towards his days of *nezirus*, for he is required to shave his entire body upon completion of his purification process)! Obviously, it is referring to a case of a long *nezirus* (where there are more than thirty days of *nezirus* left after he has become *tahor* from the *tzaraas*), and nevertheless, the *braisa* states explicitly that those days do not count towards his days of *nezirus*. This is indeed a proof against the opinion of Rav Chisda! (56a – 56b)

Mishna

Rabbi Eliezer said in the name of Rabbi Yehoshua: Any *tumah* from a corpse for which the *nazir* shaves, one would be liable for it (*and he would receive the penalty of kares*) for entering the Temple while *tamei*; and any *tumah* from a corpse for which the *nazir* does not shave, one would not be liable for it for entering the Temple. Rabbi Meir said: This should not be less stringent than a *sheretz* (*the Torah enumerates eight creeping creatures whose carcasses transmit tumah through contact; if someone would enter the Temple after becoming tamei from a sheretz, he would be liable; so too, if he becomes tamei with a tumah that a nazir would not shave for it, he should be liable upon entering the Temple*). (56b)

In the Name of...

The *Gemora* asks: Did Rabbi Eliezer learn this statement from Rabbi Yehoshua (*the son of Chananya*)? Did he not learn it from Rabbi Yehoshua the son of Mamal? For we learned in the following *braisa*: Rabbi Eliezer said: When I went to Ardaskiya, I found Rabbi Yehoshua ben Peser Rosh sitting and discussing *halachos* in the presence of Rabbi Meir. He said: Any *tumah* from a corpse for which the *nazir* shaves, one would be liable for it (*and he would receive the penalty of kares*) for entering the Temple while *tamei*; and any *tumah* from a corpse for which the *nazir* does not shave, one would not be liable for it for entering the Temple. Rabbi Meir said to him: This should not be less stringent than a *sheretz* (*the Torah enumerates eight creeping creatures whose carcasses transmit tumah through contact; if someone would enter the Temple after becoming tamei from a sheretz, he would be liable; so too, if he becomes tamei with a tumah that a nazir would not*

shave for it, he should be liable upon entering the Temple). I (*Rabbi Eliezer*) then asked him (*Rabbi Yehoshua ben Peser Rosh*): "Are you at all versed in the teachings of Rabbi Yehoshua the son of Mamal"? He replied: "I am." Rabbi Eliezer said: Rabbi Yehoshua the son of Mamal told me the following in the name of Rabbi Yehoshua: Any *tumah* from a corpse for which the *nazir* shaves, one would be liable for it (*and he would receive the penalty of kares*) for entering the Temple while *tamei*; and any *tumah* from a corpse for which the *nazir* does not shave, one would not be liable for it for entering the Temple. [We see that Rabbi Eliezer heard this teaching from Rabbi Yehoshua the son of Mamal, and not from Rabbi Yehoshua the son of Chananya!]

The *Gemora* answers: Let it be that he heard it from Rabbi Yehoshua the son of Mamal.

The *Gemora* notes: From this it follows that whenever a tradition is transmitted through three men, the first (*Rabbi Yehoshua ben Chananya*) and the last name (*Rabbi Eliezer*) are mentioned, whereas the middle name (*Rabbi Yehoshua the son of Mamal*) is not mentioned. The *Gemora* cites another example of this. (56b)

DAILY MASHAL

"And afterwards the nazir may drink wine." (6,20) The Chasam Sofer explains that HaShem guarantees that after a person becomes a nazir for the sake of HaShem, having assessed and judged himself that he was in need of self-deprivation (in order to aspire to self-enhancement), then after (completing his regimen) he can (safely) drink wine (and it will not detract from his attainments.)