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Nazir Daf 57

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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

Mishna

Rabbi Akiva said: I reasoned the following before Rabbi Eliezer: If a bone the size of a barley-grain, which does not render a person *tamei* through roof-association, nevertheless, the *nazir* shaves for its touch and its carrying; how much more so should a *revi'is* of blood, which does render a person *tamei* through roof-association, cause the *nazir* to shave for its touch and its carrying? He said to me: What is this, Akiva! We cannot reason here with a *kal vachomer*. And when I came and related the statements before Rabbi Yehoshua, he said to me, “You have said well, but they have stated the law as a *halachah l’Moshe mi’Sinai* (an oral tradition, which was taught to Moshe at Har Sinai).” (56b3)

Kal Vachomer and Halachah

[Rabbi Yehoshua had stated: You have said well, but they have stated the law as a *halachah l’Moshe mi’Sinai* (an oral tradition, which was taught to Moshe at Har Sinai).]

They inquired: Is the law that a bone the size of a barley-grain obligates a *nazir* to shave derived from a *halachah l’Moshe mi’Sinai*, and Rabbi Akiva wished to learn that a quarter-log of blood should also obligate a *nazir* to shave through the means of a *kal vachomer*, and a *kal vachomer*, which is one of the thirteen

methods of interpreting the law, cannot be applied to the Oral Law (*a kal vachomer cannot be derived from a halachah l’Moshe mi’Sinai*)? Or perhaps, the law that a quarter-log of blood transmits *tumah* through roof-association is derived from a *halachah l’Moshe mi’Sinai*, and the law that a bone the size of a barley-grain transmits *tumah* is known to us through a *kal vachomer*, and we cannot derive a *kal vachomer* from a *halachah l’Moshe mi’Sinai* (since the law that a quarter-log of blood transmits *tumah* through roof-association is derived from a *halachah l’Moshe mi’Sinai*)?

The *Gemora* resolves this inquiry from the following *braisa*: The law that a bone the size of a barley-grain obligates a *nazir* to shave derived from a *halachah l’Moshe mi’Sinai*, and Rabbi Akiva wished to learn that a quarter-log of blood should also obligate a *nazir* to shave through the means of a *kal vachomer*, and a *kal vachomer* cannot be applied to the Oral Law (*a kal vachomer cannot be derived from a halachah l’Moshe mi’Sinai*). (57a1)

WE SHALL RETURN TO YOU, KOHEN GADOL

Mishna

Two *nezirim*, to whom someone said, “I saw one of you become *tamei*, but I do not know which one of you,”

the *halachah* is as follows: They shave (they each are required to observe thirty days of *nezirus*, for each of them might be the one that's *tahor*; the shaving for one of them will be for the conclusion of his *nezirus* and the shaving for the other one will be for the *tumah*, and to restart his *nezirus*) and they bring the *korbanos* for *tumah* (an *olah* bird, a *chatas* bird and a sheep for an *asham*) and *korbanos* for *taharah* (a male sheep for an *olah*, a female sheep for a *chatas* and a ram for the *shelamim*), and one of them says, "If I am the *tamei* one, the *korbanos* for *tumah* are mine and the *korbanos* for *taharah* are yours; and if I am the *tahor* one, the *korbanos* for *taharah* are mine and the *korbanos* for *tumah* are yours." And then they count an additional thirty days, and they bring the *korbanos* for *taharah* and one of them says, "If I am the *tamei* one, the *korbanos* for *tumah* that were previously brought were for me and the *korbanos* for *taharah* were yours, and the *korbanos* for *taharah* that are being brought now are mine; and if I am the *tahor* one, the *korbanos* for *taharah* that were previously brought were for me and the *korbanos* for *tumah* were for you, and the *korbanos* for *taharah* that are being brought now are for you." (57a3)

Doubtful Tumah

The *Mishna* had stated: Two *nezirim*, to whom someone said, "I saw one of you become *tamei*, but I do not know which one of you," the *halachah* is as follows: They shave and they bring the *korbanos* for *tumah* and *korbanos* for *taharah*.

The *Gemora* asks: Why do we regard them as being possibly *tamei*? From where is it derived that if there is an uncertain *tumah* in a private domain, the *halachah* is *tamei*? We learn this law from the *sotah* (regarding whom it is written [Bamidbar 5:13]: she had been

secluded and become defiled, i.e., even though the matter is questionable, she is forbidden to her husband). Just as in the case of the *sotah*, only she and the adulterer, i.e., two people, are involved, so to in any case of uncertain *tumah* in a private domain, e.g., there are not more than two people there (but if there are three or more there, even though they are standing in a private domain, regarding the matter of *tumah*, it is regarded as being in a public domain, and if questionable *tumah* arose regarding them, it is as a case of questionable *tumah* in a public domain, and any instance of questionable *tumah* in a public domain is ruled *tahor*). But over here, there are two *nezirim*, plus the one witness who was observing them! It should therefore be regarded a case of questionable *tumah* in a public domain, and any instance of questionable *tumah* in a public domain is ruled *tahor*!

Rabbah bar Rav Huna answers: The *Mishna* is referring to a case where the witness (standing at a distance of four amos away) said that he saw the *tumah* thrown between them.

Rav Ashi said: The wording of the *Mishna* supports this interpretation, for it stated: "I saw one of you become *tamei*, but I do not know which one of you." (It didn't say that he forgot who was *tamei*; rather, he never knew in the first place. This is because he was standing at a distance.) (57a3 – 57b1)

Shaving in a Case of Uncertainty

The *Mishna* had stated: Two *nezirim*, to whom someone said, "I saw one of you become *tamei*, but I do not know which one of you," the *halachah* is that they are both required to shave.

The *Gemora* asks: How do we allow both of them to shave their entire heads? Perhaps he is not *tamei* and he will be violating the prohibition against rounding the corners of his head?

Shmuel answers: The *Mishna* is either referring to a woman or a minor (*who are not included in this prohibition*).

The *Gemora* asks: Why can't we explain the *Mishna* to be referring to an adult, and we can answer the question by saying that the *Tanna* holds that the rounding of the entire head (*shaving his entire head*) is not considered "rounding" (*one is prohibited from cutting off the hair by the temples, which results in evening the hairline at that point with the hairline in front and in back of his ears; if, however, he shaves his entire head, there is no hairline, and this would be permitted*)? And by the fact that Shmuel did not answer in this manner, this proves that he maintains that the rounding of the entire head is considered "rounding."

Mar Zutra has a different version: The *Mishna* below (59b) states: 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 *halachah* 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 shaves four times (as will be explained on 60a). The following question may be asked: How do we allow him to shave his entire head so many times? Perhaps he is not *tamei* and he will be

violating the prohibition against rounding the corners of his head?

Shmuel answers: The *Mishna* is either referring to a woman or a minor (*who are not included in this prohibition*). (57b1 – 57b2)

The Barber

Rav Huna said: if an adult rounds the corners of a minor's head, he will be liable (*for the prohibition is not only if he rounds the corners of his own head; even if he rounds someone else's head; he also holds that the prohibition applies to the barber as well*).

Rav Adda bar Ahavah said to Rav Huna: And who shaved the heads of your children (*their entire heads were shaved, as was the common practice for children then*)? Rav Huna replied: Chovah, my wife cuts their hair. Rav Addah bar Ahavah asked: Does she wish to bury her children (*for Rav Adda was of the opinion that a woman is also forbidden from rounding the corners of a man's head*)? And all the years that Rav Adda bar Ahavah was alive, Rav Huna's children did not survive (*on account of Rav Adda's curse, even though it was not intended in that manner*).

The *Gemora* asks: They both hold that the rounding of the entire head (*shaving his entire head*) is considered "rounding." What is the basis of their argument (*Rav Huna maintains that a woman may round the corners of a man's head And Rav Adda bar Ahavah disagrees*)?

The *Gemora* answers: Rav Huna holds: It is written [Vayikra 19:27]: *You shall not round off the corner of your head, and you shall not destroy the edge of your beard*. Whoever is included in the prohibition of destroying their beard is also included in the

prohibition against rounding the corners of their head. And since women not included in the prohibition of destroying their beard (*since they do not have one*), they are also not included in the prohibition against rounding the corners of their head (*and therefore they would be permitted to round the corners of a man's head as well*). Rav Adda bar Ahavah holds that it would seem from the Torah that the prohibition against rounding applies to the person shaving and the person being shaved. And we can compare the two as follows: Whenever the person being shaved is liable, the shaver is also liable (*even if the shaver is a woman*). And a minor, since he is not liable to receive a punishment, the shaver will also not be liable. (57b2 – 57b3)

INSIGHTS TO THE DAF

One Witness

The *Mishna* discusses the following case: Two *nezirim*, to whom someone said, "I saw one of you become *tamei*, but I do not know which one of you."

Tosfos explains that the *Mishna* is referring to a case where they both remained quiet, for if they would contradict him, he would not be believed.

The Ritva and other Rishonim maintain that the witness is believed even if they say that they do not know. As long as they do not contradict the witness, he would be believed.

Many Women, but still Private

The *Gemora* states: Just as in the case of the *sotah*, only she and the adulterer, i.e., two people, are involved, so to in any case of uncertain *tumah* in a private domain,

e.g., there are not more than two people there, but if there are three or more there, even though they are standing in a private domain, regarding the matter of *tumah*, it is regarded as being in a public domain, and if questionable *tumah* arose regarding them, it is as a case of questionable *tumah* in a public domain, and any instance of questionable *tumah* in a public domain is ruled *tahor*.

The Rashba writes that it is with respect to three men that it is regarded as a public domain; however, three women, and even a hundred, would still be considered a private domain. This can be extrapolated from the laws of a *sotah*. If a woman is secluded with one man, she will be considered a *sotah*; however, it is not regarded as a halachic seclusion when she secludes herself with two men. That is why the *halachah* is that three men is regarded as a public domain. However, two woman may not seclude themselves with one man, and they can be rendered a *sotah* in this manner. Evidently, it is regarded as a private domain, even when there are many women present.

A Woman Shaving

The Torah writes [Vayikra 19:27]: *Lo sakifu pe'as rosh'chem*. You shall not round the corners of your head. Here, it is written in a plural form "*roshchem*." Yet, by the destruction of one's beard, it is written: *V'lo sashchis pe'as z'kanecha*. And you shall not destroy the corners of your beard. There, it is written in the singular form, "*z'kanecha*." Why does the Torah change?

The Meshech Chochmah explains according to the following Rambam (Avodah Zarah 12:5): Although a woman is permitted to shave the corners of her head, she is prohibited from shaving the corners of a man's head. However, with respect to the prohibition of

deconstructing one's beard, the Rambam (12:7) writes: A woman is permitted to destroy her own beard if she has beard hair, and if she destroys the beard of a man, she is exempt. It emerges that there is a clear distinction between the *halachah* of a woman rounding the corners of a man's head and her shaving a man's beard.

Accordingly, it can be understood why the Torah uses the plural form when discussing the prohibition of rounding one's head, for a man and a woman are included in this prohibition. However, with respect to the prohibition of destroying one's beard, the Torah uses the singular form, because only the man is liable, not the woman.

DAILY MASHAL

A word is much more than "just a word", our Sages teach us.

Rav Adda bar Ahavah said to Rav Huna: And who shaved the heads of your children (*their entire heads were shaved, as was the common practice for children then*)? Rav Huna replied: Chovah, my wife cuts their hair. Rav Addah bar Ahavah asked: Does she wish to bury her children (*for Rav Adda was of the opinion that a woman is also forbidden from rounding the corners of a man's head*)? And all the years that Rav Adda bar Ahavah was alive, Rav Huna's children did not survive (*on account of Rav Adda's curse, even though it was not intended in that manner*).

Tosfos writes that this is an example of "an error proceeding forth from the monarch" (Koheles 10:5).

A similar Gemora in Moed Katan describes that as a result of an apparent slip of the tongue, Shmuel

became a mourner because "there is a covenant for the lips" — a spoken word has the power to effect fulfillment. As proof of this power Rabbi Yochanan cites the statement made by the Patriarch Avraham, on his way to offer his son Yitzchak as a sacrifice, to the two young men accompanying them. "Stay here," he told them and I and the lad will return to you" (Bereishis 22:5), and did indeed result in their both returning.

Tosfos raises the question as to why Rabbi Yochanan cited an example of the spoken word achieving a good result as proof that such power existed in regard to achieving a negative result such as in the case of Shmuel. Would it not have been more appropriate to cite the proof brought in another Gemora (Brachos 19a) that "one should never open his mouth to Satan" — not say something of a harmful nature to himself such as declaring that whatever he has suffered is still insufficient to atone for his sins? This would be a question on the Tosfos in our Gemora as well.

Maharsha explains the difference between these two sorts of power of the spoken word. In the case of the Gemora in Mesechta Brachos, the person speaking includes himself in the tragedy of which he speaks, thus giving the prosecuting angel — Satan — the opportunity to accuse him of self-incrimination and thus weakening the ability of the Divine Attribute of Mercy to intervene on his behalf. In the case of Shmuel, as in the case of Avraham, the statement is being made about someone else, for good or otherwise, and is considered as being an unconscious prophecy whose utterance effects its fulfillment.