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Nazir Daf 59

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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

Shaving his Body Hair

Rav said: A man may shave the hairs of his body (*including his armpits and pubic hair*) with a razor (*it would not be included in the prohibition of “A man may not wear a woman’s garment,” even though it was the practice of women to remove all hairs from their body*).

The *Gemora* asks on Rav from the following *braisa*: If a man removes the hairs of his armpits or his pubic hair, he will receive lashes (*for transgressing the prohibition of “A man may not wear a woman’s garment”*).

The *Gemora* answers: The *braisa* is referring to a razor (*which was the practice of women*), and Rav was referring to scissors.

The *Gemora* asks: But Rav explicitly said “with a razor”?

The *Gemora* answers: Rav meant that it is permitted to use a scissors which is similar to a razor (*that it cuts close to the skin; it is nevertheless permitted, for it does not leave the skin smooth, and women do not use it*).

Rabbi Chiya bar Abba said in the name of Rabbi Yochanan: If a man removes the hairs of his armpits or his pubic hair, he will receive lashes.

The *Gemora* asks on Rabbi Yochanan from the following *braisa*: The prohibition against removing hair is not Biblical, but only Rabbinical.

The *Gemora* answers: When Rabbi Yochanan said that he will receive lashes, he meant that the Rabbis will administer the lashes (*makas mardos; for not listening to the Rabbis*).

The *Gemora* cites another version: Rabbi Chiya bar Abba said in the name of Rabbi Yochanan: If a man removes the hairs of his armpits or his pubic hair, he will receive lashes, for transgressing the prohibition of “A man may not wear a woman’s garment.”

The *Gemora* asks on Rabbi Yochanan from the following *braisa*: The prohibition against removing hair is not Biblical, but only Rabbinical.

The *Gemora* answers: Rabbi Yochanan is following the opinion of this *Tanna*: If a man removes the hairs of his armpits or his pubic hair, he will receive lashes for transgressing the prohibition of “A man may not wear a woman’s garment.”

The *Gemora* asks: How does the *Tanna Kamma* expound the verse of “A man may not wear a woman’s garment” (*since he maintains that removing one’s hair is merely a Rabbinical prohibition*)?

The *Gemora* answers: He uses the verse for the following *braisa*: It is written Devarim 22:5]: *A man's attire shall not be on a woman (nor may a man wear a woman's garment)*. What is this verse coming to teach us? If it simply means that a man is prohibited from wearing a woman's garment and a woman is prohibited from wearing a man's garment, the verse concludes, "*it is an abomination,*" and here (*wearing the clothing of the opposite gender*) is not an abomination! Rather, the prohibition is that a man is prohibited from wearing a woman's garment and sit among the women (*for his intention by mingling with them is to act promiscuously*) and that a woman is prohibited from wearing a man's garment and sit among the men. Rabbi Eliezer ben Yaakov said: How do we know that a woman shall not go out wearing weapons of war? It is because it's written: *A man's attire shall not be on a woman*. And the verse, *nor may a man wear a woman's garment* teaches us that a man is prohibited from beautifying himself with the adornments of a woman (*included in this prohibition would be the removal of his hair*).

Rav Nachman said: A *nazir* is permitted (*to shave his armpits and pubic hair, for since he shaves his entire head, he is not beautifying himself by shaving his other hair*). The *halachah* though is not like him.

The Rabbis asked Rabbi Shimon bar Abba: We saw Rabbi Yochanan that he has no hair by his armpits (*but he holds that it is forbidden to remove them*)!

He answered them: His hairs fell out due to old age.

The *Gemora* records an incident: There was a man who was sentenced to receive lashes before Rabbi Ami. They saw (*as they were removing his shirt*) that he had

hair by his underarms. Rabbi Ami said: Release him, for he is from the conscientious people!

Rav inquired of Rabbi Chiya: Is one permitted to shave (*the hair by his underarms and pubic area*) with a razor? Rabbi Chiya replied: It is forbidden. Rav countered: But it grows (*and causes distress; since one is not doing it for beautifying purposes, it should be permitted*)! Rabbi Chiya responded: Once it grows to a certain limit, it falls out by itself.

Rav inquired of Rabbi Chiya: Is one permitted to scratch (*by his underarms and pubic area with the intention of removing the hair*)? Rabbi Chiya replied: It is forbidden. Rav asked: Can he scratch with his clothing? Rabbi Chiya answered: It is permitted.

The *Gemora* cites another version: Rav inquired of Rabbi Chiya: Is one permitted to scratch (*by his underarms and pubic area*) with his clothing during prayer? Rabbi Chiya replied: It is forbidden. The *Gemora* rules that the *halachah* does not follow him. (58b – 59a)

Mishna

The previous Mishna had stated: There were two nezirim and one of them became tamei, but we do not know which one, the halachah is as follows: They shave after observing thirty days of neziru and they bring the korbanos for tumah and korbanos for taharah and they stipulate that the korbanos should be for the one who is obligated to bring them.) If one of them died, Rabbi Yehoshua said: Let him ask someone from the marketplace to undertake *nezirus* in the following manner: He says: "If I was *tamei*, then you are a *nazir* immediately; and if I was *tahor*, then you are a *nazir* after thirty days." They then observe thirty days, 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 the surviving *nazir* 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* should be brought as an uncertainty (the *chatas* bird can be brought as an uncertainty and the *olah* bird can be offered as a donation; the *asham* should not be brought, for it cannot be offered voluntarily)." And then they count an additional thirty days, and they bring the *korbanos* for *taharah* and the surviving *nazir* 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 brought as an uncertainty, and the *korbanos* for *taharah* that are being brought now are for you."

Ben Zoma said to him: And who will listen to him to undertake this *nezirus*? Rather he brings a *chatas* bird and an *olah* animal, and he says, "If I was *tamei*, the *chatas* is for my obligation, and the *olah* is voluntary; and if I was *tahor*, the *olah* is my obligation, and the *chatas* is brought as an uncertainty." And then he counts an additional thirty days, and he brings *korbanos* of *taharah*, and he says, "If I was *tamei*, the first *olah* is voluntary, and this is obligatory; and if I was *tahor*, the first *olah* is obligatory, and this is voluntary, and this is the remainder of my sacrifice."

Rabbi Yehoshua said: It results that this one brings his sacrifices piecemeal! But the *Chachamim*, nevertheless, agreed with Ben Zoma. (59b)

Rabbi Yehoshua

The *Gemora* asks: What is wrong if the *korbanos* are brought gradually?

Rav Yehudah said in the name of Shmuel: Rabbi Yehoshua said that only to sharpen the minds of his students (to see if they would say like Ben Zoma).

Rav Nachman said: What will Rabbi Yehoshua do with the intestines so that they will not spoil? (According to him, both the survivor and the new *nazir* will be sharing the same concluding *korban*. In order to wave the fats, which were part of the concluding process, we will have to wait until both of them shaved. Rav Nachman was asking that in the meantime, the fats will spoil in the sun.) (59b)

INSIGHTS TO THE DAF

Wearing the Clothing of a Woman

Rabbi Eliezer ben Yaakov said: How do we know that a woman shall not go out wearing weapons of war? It is because it's written: *A man's attire shall not be on a woman*. And the verse, *nor may a man wear a woman's garment* teaches us that a man is prohibited from beautifying himself with the adornments of a woman (included in this prohibition would be the removal of his hair).

The *Beis Yosef* rules that even according to Rabbi Eliezer ben Yaakov, the Torah only forbade something that is in the open and recognizable to all; however, something that is hidden from the eye, it will only be Rabbinically forbidden. Therefore, he explains, that although the Rambam rules according to Rabbi Eliezer



ben Yaakov, it is not Biblically forbidden to shave the hair by the underarms and the pubic area, for that is something that is not seen.

The Bach wonders where the Beis Yosef saw such a distinction in the *Gemora*.

The Bach himself explains the Rambam as follows: Only things which are done for the sake of beauty is forbidden. This is why it would be Biblically forbidden for a man to wear make-up, eye shadow or wear colorful garments of a woman; however, shaving his body hairs is only removing things that are repulsive to him. That is why the Rambam rules that it is only Rabbinically forbidden.

The Bach rules that it is permitted for a man to wear the clothing of a woman if his purpose is not to appear like a woman. It is therefore permitted for a man to wear a woman's clothing in order to protect himself from the rain or to shield him from the sun.

The Shach qualifies this ruling to be referring only to the embellishments of a woman; however, if he wears a woman's garment in a manner that it would not be recognizable that he is a man, even the Bach would prohibit this.

The Darkei Moshe rules that this prohibition is not applicable on *Purim*. A man may wear the garment of a woman and a woman may wear the garment of a man. He explains: Whenever there is a custom for a man and a woman to wear the same clothing, there is no prohibition. (*This is why the Rashba rules that in a place where it was the custom for the men to remove the hair by their underarms, there is no prohibition.*) Since on *Purim*, it became the custom to switch clothing, there

is no prohibition. Additionally, since it is being done for the joy of *Purim*, it is permitted.

The Yereim writes that a man may not wear a woman's clothing, even if it just temporary and even if it is being done just for fun. The Mishnah Berurah rules like this.

DAILY MASHAL

Identical clothing

It is written: And Hashem made for Adam and his wife garments of skin and he clothed them. The Midrash comments: From here it is known that they were the only people in the world.

The Chanukas Hatorah explains this seemingly baffling Midrash: "And He clothed them" indicates that they were wearing identical clothing. But how can that be as there is a prohibition against a man wearing the clothing of a woman? [Perhaps the answer is that it was not regarded as the clothing of a woman.] The reason for this prohibition is to safeguard against acting promiscuously. Since they were the only people in the world, there was no concern for this.