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Nazir Daf 17

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Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

**Tzvi Gershon ben Yoel (Harvey Felsen) o”h**

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

### **Challenge and Answer**

[It was taught: What is the law if someone makes a vow of nezirus when they are in a cemetery? Rabbi Yochanan says: The nezirus is effective. Rish Lakish says: The nezirus is ineffective. Rabbi Yochanan understands that the nezirus waits to take effect until he leaves the cemetery, at which time it becomes effective. Rish Lakish counters that it only is valid if he makes this vow after he leaves the cemetery.]

Rabbi Yochanan asked Rish Lakish from the following *Baraisa*: If a person was *tamei* and he declared a vow of *nezirus*, he is forbidden from cutting his hair, from drinking wine and from becoming *tamei* from a corpse. If he cuts his hair, or drinks wine, or becomes *tamei* from a corpse, he incurs forty lashes. If now you admit that [the vow] takes effect, then we see why he receives the forty lashes; but if you say that it does not take effect, why should he receive the forty lashes? [According to you (Rish Lakish), who holds that such a *nezirus* is ineffective, why does he incur lashes?]

Rish Lakish answers: The *Baraisa* is referring to a case where he became *tahor* (after his initial vow, which was ineffective), and then he became *tamei* again (after reconfirming his *nezirus* vow; the novelty is that he is not required to state, “I am hereby a nazir”; rather, it is sufficient if he says, “I want the *nezirus* to take effect now”). (16b2 – 17a1)

### **Successful Challenge**

Rabbi Yochanan asked Rish Lakish from the following *Baraisa*: There is no difference between a *tamei* person who declared *nezirus* and a *nazir tahor* who became *tamei* except

that a *tamei* person who declared *nezirus*, his seventh day counts towards his *nezirus* count (after he has completed his purification process, he may begin to count *nezirus* and the remainder of that day counts towards his term of *nezirus*), however, a *nazir tahor* that became *tamei*, his seventh day does not count towards his *nezirus* count (like we learned in the previous *Mishnah*; he cannot resume his *nezirus* until after he brings the *korbanos* on the eighth day). According to you (Rish Lakish), who holds that such a *nezirus* is ineffective, why does the seventh day count towards his *nezirus* count? (17a1)

### **New Interpretation of their Dispute**

[A revised interpretation of the dispute] Mar bar Rav Ashi said: Everyone agrees that the *nezirus* takes effect immediately. The argument is whether he incurs lashes for becoming *tamei* (he was warned to leave the cemetery and he did not do so). Rabbi Yochanan maintains that since the *nezirus* took effect, he will receive lashes if he becomes *tamei* (just like he would receive lashes for violating the other *nezirus* prohibitions). Rish Lakish, however, holds that he does not receive lashes even though the *nezirus* takes effect (just like he is not liable to bring the special *korbanos* that a *nazir* who becomes *tamei* brings).

Rabbi Yochanan asked Rish Lakish from our *Mishnah*: If a person proclaimed that he is a *nazir* when he happened to be in a cemetery, even if he stayed there for thirty days, those days do not count towards his vow. Additionally, he does not bring a *korban* for breaking his vow by being in the cemetery when he made the vow. It would seem from this ruling that he does not bring the *tumah korbanos*, but he would receive lashes for it!

Rish Lakish answers: The *Mishnah* could have said that he does not receive lashes for it. Since the *Mishnah* wanted to teach the latter portion of the *Mishnah*, which said: If he left the cemetery after making the vow and then went in again, the days he kept are counted and he must bring a *korban* for becoming *tamei*, the *Mishnah*, therefore, said in the first portion that he does not bring the *korbanos* for becoming *tamei*.

The *Gemora* cites a *Baraisa* which supports Rabbi Yochanan: There is no difference between a *tamei* person who declared *nezirus* and a *nazir tahor* who became *tamei* except that a *tamei* person who declared *nezirus*, his seventh day counts towards his *nezirus* count (*after he has completed his purification process, he may begin to count nezirus and the remainder of that day counts towards his term of nezirus*), however, a *nazir tahor* that became *tamei*, his seventh day does not count towards his *nezirus* count (*like we learned in the previous Mishnah; he cannot resume his nezirus until after he brings the korbanos on the eighth day*). It would seem that regarding lashes, there is no difference between them!

Rish Lakish responds: No! It is with respect to haircutting (*either to receive lashes for violating this prohibition or for the mitzvah of shaving his head on the seventh day*) that they are the same.

The *Gemora* counters: If so (*that there is a difference regarding lashes for tumah*), why didn't the *Baraisa* mention that difference as well?

The *Gemora* replies: The *Baraisa* is discussing the time for his *nezirus* to begin; it is not interested in dealing with the violations of the *nezirus*. (17a1 – 17a2)

### Successful Challenge

The *Gemora* asks on Rish Lakish from the following *Baraisa*: If a person was *tamei* and he declared a vow of *nezirus*, he is

forbidden from cutting his hair, from drinking wine and from becoming *tamei* from a corpse. If he cuts his hair, or drinks wine, or becomes *tamei* from a corpse, he incurs forty lashes. (*It is clearly evident that he does receive lashes for becoming tamei!*)

The *Gemora* concludes: This is indeed a refutation of Rish Lakish's opinion. (17a2)

### Loitering

Rava inquires: What is the law if a *nazir* is in a cemetery? Is there a certain amount of time that he needs to be there in order to receive lashes (*one who became tamei in the Beis Hamikdosh and lingered there for the amount of time it would take for a person to prostrate himself is liable; is there a defined time for the nazir as well*)?

The *Gemora* analyzes the case: If he is speaking about a case where he declared the vow while he was in the cemetery, and people warned him before his vow, "Do not utter this vow," why would loitering be necessary? A *nazir* who enters a cemetery is punished without lingering because he was warned against entering (*and he refused to listen*); so too, here, he was warned (*and he intentionally went against it!*)

Rather, the case of Rava's inquiry is as follows: The *nazir* went into the cemetery inside a carriage, chest or closet and a fellow came along and removed the floor from under him (*rendering the person inside the box tamei*). Do we say that the rule requiring a certain length of stay is only inside the Beis Hamikdosh, but not for outside (*like nezirus*), or perhaps there is no difference?

The *Gemora* leaves the question unresolved. (17a2 – 17b1)

### Rav Ashi's Inquiry

Rav Ashi inquires: If one declared to be a *nazir* in a cemetery, does he require a head-shaving (*on the seventh day of his purification process*) or not (*in the same manner that he does*)

not require to bring the *korbanos*)? Perhaps only a *nazir tahor* that became *tamei* requires a head-shaving, but not for a *tamei* person who became a *nazir*, or perhaps, there is no difference?

The *Gemora* attempts to resolve this from our *Mishnah*: If a person proclaimed that he is a *nazir* when he happened to be in a cemetery, even if he stayed there for thirty days, those days do not count towards his vow. Additionally, he does not bring a *korban* for breaking his vow by being in the cemetery when he made the vow. This implies that although he does not bring a *korban* for being *tamei*, he does require head-shaving!

The *Gemora* deflects the proof: The *Mishnah* is providing the reason that he does not bring the *korbanos*, and that it because he does not require a head-shaving (and the *korbanos* are dependent upon the head-shaving).

The *Gemora* attempts to resolve this from a *Baraisa*: There is no difference between a *tamei* person who declared *nezirus* and a *nazir tahor* who became *tamei* except that a *tamei* person who declared *nezirus*, his seventh day counts towards his *nezirus* count (after he has completed his purification process, he may begin to count *nezirus* and the remainder of that day counts towards his term of *nezirus*), however, a *nazir tahor* that became *tamei*, his seventh day does not count towards his *nezirus* count (like we learned in the previous *Mishnah*; he cannot resume his *nezirus* until after he brings the *korbanos* on the eighth day). It would seem that regarding head-shaving, there is no difference between them!

The *Gemora* deflects the proof: We can only infer from the *Baraisa* that they are the same regarding lashes (for becoming *tamei*).

The *Gemora* counters: But if there is a difference regarding head-shaving, why didn't the *Baraisa* mention that difference as well?

The *Gemora* answers: When the *Baraisa* says "his seventh day," it is referring to all of its *halachos* (including the head-shaving). (17b1 – 17b2)

## INSIGHTS TO THE DAF

### ***Lashes without an Action***

Rava inquires: What is the law if a *nazir* is in a cemetery? Is there a certain amount of time that he needs to be there in order to receive lashes (one who became *tamei* in the *Beis Hamikdash* and lingered there for the amount of time it would take for a person to prostrate himself is liable; is there a defined time for the *nazir* as well)?

The *Gemora* analyzes the case: If he is speaking about a case where he declared the vow while he was in the cemetery, and people warned him before his vow, "Do not utter this vow," why would loitering be necessary? A *nazir* who enters a cemetery is punished without lingering because he was warned against entering (and he refused to listen); so too, here, he was warned (and he intentionally went against it)!

Tosfos asks: Shouldn't this be regarded as a violation without performing an action? Why would he receive lashes for declaring himself to be a *nazir*?

Tosfos in *Shavuos* writes that the *Gemora* is in accordance with the opinions that maintain that one can receive lashes even without committing an action.

Tosfos here answers: Although he cannot receive lashes for the acceptance of the *nezirus* while inside the cemetery (for that does not entail an action), he will receive the lashes for continuing to remain in the cemetery after the acceptance of *nezirus*. That does constitute an action.

The *Steipler Gaon* asks: Where is the action? Why is the fact that he refused to leave regarded as an action?

He explains: Anytime an action is performed through a person, and he has the ability to eliminate it, but willingly refrains from doing so, this is considered as if he has committed an action, even though it happened by itself. The fact that the *nazir* is standing in the cemetery refusing to leave, that constitutes an action.

The Mishnah Lamelech explains Tosfos differently: Tosfos maintains that although the transgression was committed without an action, he may receive lashes for the entering into the cemetery. Although no violation occurred at that time (*since he was not yet a nazir*), he receives lashes, since that was the action that led to the transgression.

#### DAILY MASHAL

##### *Sheets Flapping in the Wind*

Over ninety years ago in the small town of Shavil, Lithuania, a woman was walking home and noticed that her neighbor had hung out two large sheets to dry. This was the norm for the day, but this lady was having a bad day. The sheets were flapping in the wind, and she would have to go a few feet out of her way to reach her apartment. This was unacceptable, especially in her current foul mood. In a burst of anger, she tore them off the clothesline and threw them onto the muddy ground. She did all of this under the watchful and shocked eye of the laundry's owner. Instead of reacting to this outrageous act, she quietly picked up her muddy sheets, washed them again and hung them up to dry. A few days later, the son of the lady who had tossed the laundry suddenly became seriously ill. A devout woman, she understood that nothing in this world just happens, there had to be a reason. She went to a tzaddik, righteous man known as the Leshem, Horav Shlomo, zl, known for his classic work, Leshem Shevo V'achlama, and cried hysterically, begging for a blessing for her son. "I have done nothing wrong. Why would my son become so ill?" she cried. The Leshem calmed her down, but said, "You must think. Nothing happens in a vacuum. You must have done something to warrant this Heavenly response." She then

remembered the two sheets flapping in the wind and her irresponsible reaction. "Do you know whose sheets they were?" he asked. "Yes," she replied. "Then you must go and ask forgiveness before Hashem can forgive you," the Rav said. The lady immediately went to the home of the woman whose sheets she had soiled and, when the husband answered the door, she asked to see his wife. "I must speak to your wife immediately," she said. "I must apologize to her for something terrible I did to her." The husband said, "First of all, my wife is not in. I cannot believe, however, that you did anything to offend her, because she did not mention anything to me about it." This was not enough to dissuade the woman, who burst into tears as she related to him what she had done. The husband once again told the woman, "You must have the wrong house. My wife never said a word to me about any sheets. You have no reason to apologize." The woman was confused and returned to the rav to relate her dialogue with the husband. "I know that family quite well. That woman is very righteous. She wanted to preserve your dignity and not tell anyone what you did - not even her husband. She has had numerous miscarriages. I gave her a brachah, blessing, that Hashem should grant her a child that will illuminate the hearts and minds of the Jewish People." A short while later, the rav's blessing was fulfilled when the woman gave birth to a little boy. She named him Yosef Shalom. Yes, the venerable gadol hador, pre-eminent Torah leader of our generation, Horav Yosef Shalom Elyashiv, Shlita, was the product of that blessing - a blessing warranted because his mother preserved the dignity of a woman who had brought her grief. Humiliation, even when one might conjure up a reason to justify it, is still pain, and emotional pain hurts deeper than physical pain.