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Nazir Daf 37

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Daf Notes is currently being dedicated to the neshamot of

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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

What is Derived from “Mishras?”

Abaye asked: How do you know that the word “*mishras*” comes to teach that even permitted items can combine with wine products to form an amount for which a *nazir* is considered to transgress his vow? Perhaps it is telling us that the taste of an item is akin to it being physically present (known as “*ta’am k’ikar*”)? [This means that wine-soaked bread would be prohibited to a *nazir* even though the wine was very absorbed in the bread, and it merely made the bread have a taste of wine.]

The *Gemora* asks: Abaye had difficulty with Rav Dimi’s teaching (which he asked on above) and challenged him with the questions that had previously been asked by our *Gemora* (on daf 36). Why, then, would he merely suggest that the verse is merely intended for a different teaching (instead of asking questions directly on Rav Dimi’s teaching)?

The *Gemora* answers: Abaye asked all of his direct questions, and only after Rav Dimi answered them did he suggest that the verse is referring to *ta’am k’ikar*.

This teaching (Abaye’s suggestion) is indeed stated in a *Baraisa*. The *Baraisa* states: “*Mishras*,” teaches *ta’am k’ikar*. This means that if someone soaked

grapes in water and the water acquired the taste of the grapes; a *nazir* transgresses his vow by drinking the water. We can learn that all of the Torah’s prohibitions follow this same rule. Just as a *nazir* is not prohibited forever, nor forbidden to benefit from the things he is prohibited to, and one can permit his vow, yet the rule of *ta’am k’ikar* applies to his prohibitions, certainly a prohibition like *kilayim* of the vineyard (forbidden mixture of a vine with another crop such as wheat) which does have all of these strict rules, should also have the rules of *ta’am k’ikar*. This teaching can similarly be made to *orlah* (the first three years of fruit on a fruit tree that are prohibited), as two of these stringencies apply to *orlah* (it is forbidden from benefit and cannot be permitted).

One of the Rabbis answered Abaye: Rabbi Avahu (who also recorded this teaching in the name of Rabbi Yochanan) is stating this teaching according to Rabbi Akiva (who argues on the Rabbanan who author the *Baraisa* that “*mishras*” teaches *ta’am k’ikar*).

The *Gemora* inquires: Where does Rabbi Akiva argue on this *Baraisa*? If he is referring to Rabbi Akiva’s statement in our *Mishna* that even if someone soaked his bread in wine and there is enough to form a *k’zayis* (size of an olive for which one is fully liable) he is liable, it is possible that he only means that if



there is an amount of wine that equals a *k'zayis* contained in the bread!

The *Gemora* continues: You might ask, why would Rabbi Akiva bother to say this? The *Gemora* answers: He needed to say this to exclude the statement of the *Tanna Kamma* who says that a *nazir* needs to actually drink a *revi'is* (*liquid measurement*) of wine.

The *Gemora* therefore states that the statement of Rabbi Akiva referred to by the Rabbi above was a statement he made in a *Baraisa*. Rabbi Akiva states: If a *nazir* soaked his bread in wine and he ate from both the bread and wine together an amount of a *k'zayis*, he is liable. (37a1 – 37a3)

Rav Acha the son of Rav Avya said to Rav Ashi: According to Rabbi Akiva who learns from "*mishras*" that permitted items can combine with the forbidden to make one liable, what is his source for the law of *ta'am k'ikar*?

The *Gemora* answers: He derives *ta'am k'ikar* from the prohibition against eating milk and meat that was cooked together. The prohibition there indicates that this is even if one of the two (*milk or meat*) is not physically present in the cooked dish, yet the dish is still forbidden. So too, in the rest of the Torah, *ta'am k'ikar* is forbidden.

The *Gemora* asks: Why don't the *Chachamim* also learn from the prohibition against milk and meat? The *Gemora* answers: The *Chachamim* understand that this is a novel law, and cannot be applied (*on the basis of the law alone, without a passuk such as "mishras"*) to the rest of the Torah.

The *Gemora* asks: What is so novel about it? The *Gemora* answers: If the novelty is that the milk and meat are permitted on their own and are only forbidden when put together, this is not anymore novel than the prohibition of *kilayim*, where each crop is permitted by itself and the prohibition only kicks in when they are mixed!

The *Gemora* answers: The novelty is that they can be mixed together, i.e. meat soaked in milk for a day will be permitted, and are only forbidden if cooked together.

The *Gemora* asks: Accordingly, how can Rabbi Akiva apply this novel law to the rest of the Torah?

The *Gemora* therefore retracts its original answer, and says that Rabbi Akiva in fact derives the concept "*ta'am k'ikar*" from the laws regarding the scalding of non-kosher pots (*in order to make them fit for kosher use*). The Torah states: "Anything that came in contact with fire etc." This implies that using a non-kosher pot would be prohibited without scalding, even though there is nothing in the pot besides taste absorbed from the last non-kosher item cooked in the pot. Even so, the Torah prohibits its use, showing "*ta'am k'ikar*." So too, it must be that the concept of "*ta'am k'ikar*" applies by *nazir* as well.

The *Gemora* asks: Why don't the *Chachamim* also derive this concept from here?

The *Gemora* answers: The *Chachamim* say that this is a particularly novel law. In the rest of the Torah,

we see that a bad taste of prohibited items is permitted (*known as "nosen ta'am l'fgam"*). However, the Torah here states that it is forbidden.

The *Gemora* asks: Accordingly, how can Rabbi Akiva apply this novel law to the rest of the Torah?

Rav Huna bar Chiya answers: The Torah only forbade a pot that was used within the last twenty-four hours (*whose absorption is still deemed to have a good taste*). [*Therefore, this is not an exceptional law.*]

The *Chachamim* answer: Even in a pot that has been used within twenty-four hours, it is impossible that the absorption is not deemed slightly bad. (37a3 – 37b1)

Rav Acha the son of Rav Avya said to Rabbi Ami: Based on the *Chachamim's* position we can ask a question on Rabbi Akiva. The *Chachamim* derived "*ta'am k'ikar*" from "*mishras*," and hence applied "*ta'am k'ikar*" to other concepts in the Torah. Why, then, when Rabbi Akiva derives from "*mishras*" that permitted items combined with prohibited items can together make up the amount of prohibited items one is forbidden from consuming, does he not apply this concept to other areas of the Torah besides *nazir*?

Rav Ashi answered: This is because this teaching is derived from both *nazir* and a *korban chatas*, and the rule is that when the Torah implies the same concept twice, we do not apply that concept to other areas of Torah.

The *Gemora* asks: We already discussed Rabbi Akiva's derivation from *nazir*. Where does the Torah imply that this derivation also applies to a *korban chatas*?

The *Baraisa* states: "Whoever will touch its (*chatas*) meat will become holy." One might think this is even if the other meat did not absorb the *chatas* meat. The Torah therefore says, "in its meat," implying that it must be absorbed. "It will be holy," means that it will have the same status. If it is unfit, both meats become unfit, and if it is kosher, it should be eaten like the stringent meat.

[*This means that if two korbanos are cooked together, they absorb each other and therefore must be eaten before the earliest time that either of them were supposed to be eaten by. Eating them after this time is prohibited by the Torah prohibition against eating korbanos past their "expiration date," called nossar. This teaches us that even though one of the korbanos was able to be eaten later, it combines with the chatas to form an amount prohibited to be eaten earlier.*]

The *Gemora* asks: What do the *Chachamim* say about these teachings (*meaning about the reasoning given as to why Rabbi Akiva did not apply this to the entire Torah*)? The *Gemora* answers: Both verses should be necessary (*according to Rabbi Akiva*). If the Torah would only say this regarding a *chatas*, we would think that it does not apply to *nazir*, because one cannot derive principles of *nazir* from *kodoshim* (*korbanos*). If the Torah would only state this by *nazir* one would think it could not be applied to *kodoshim*, as in a way *nazir* is more stringent, as we see he



cannot have any grape products at all, even grape peels.

[This is in accordance with the second text quoted here by "Rashi." The thrust of the Gemora is that there is still not a good reason for Rabbi Akiva not to apply this to the entire Torah. The exception of two verses is only when the Torah did not have to imply the concept in both places. Accordingly, by saying it in two places, the Torah implies that it should only be applicable to these two places. However, where it can be proven that we might not have applied the teaching to the rest of the Torah if it were only written in one place, when it is written in two places, it should still be applied to the rest of the Torah.]

The Gemora asks: How does Rabbi Akiva refute this challenge?

The Gemora answers: Both verses are not necessary. True, if the verse would just be written by *chatas*, we would not be able to say it applies to *nazir*, as we do not derive teachings from *kodoshim* to other (comparatively) mundane topics such as *nazir*. However, if the Torah would have stated this by *nazir*, we could have applied it to the rest of the Torah as well, including *chatas*. *[The fact that the Torah instead implied this by chatas shows that it is a concept that only applies to nazir and chatas and not the rest of the Torah.]*

The Gemora asks: What do the Chachamim respond?

The Gemora answers: They understand that while this concept is derived regarding a *chatas*, the verse of "*mishras*" by *nazir* does not imply this concept;

rather it implies "*ta'am k'ikar*," which applies to the rest of the Torah.

The Gemora asks: What does Rabbi Akiva do with these verses?

The Gemora answers: He understands that both of these verses regarding *chatas* and *nazir* are teaching the same lesson regarding the combination of permitted and prohibited items, and therefore this concept cannot be applied to the rest of the Torah because of the rule regarding two verses. (37b1 – 37b3)

INSIGHTS TO THE DAF

The Novelty of the Midianite Utensils

The Gemora had concluded regarding the emissions of utensils used by idolaters that have been used within twenty-four hours, it is impossible that the absorption is not deemed slightly bad, and although with respect to all prohibitions, such a taste would be permitted, nevertheless, the Torah states that one is prohibited from using such a pot unless it is first scalded.

The Ramban asks: If in regards to those utensils used by idolaters, the flavor is regarded like the substance, how is it possible to say that with respect to other prohibitions, the flavor is not forbidden like the substance? Are the emissions from the idolaters' utensils a distinct class of prohibition, different from any other prohibitions? The Midianite utensils were forbidden out of the concern that there were non-kosher foods cooked inside of it!



He answers that the Torah elevated its prohibition with respect of utensils that a utensil that absorbed flavor from a forbidden food is forbidden. And although the flavor that will be emitted from this pot will be slightly spoiled, and is not equivalent to the substance, nevertheless the Torah decreed that the flavor is not nullified and is forbidden. This is similar to the *halacha* that one must immerse in water a utensil purchased from an idolater even though it has not been used. There, if one would use it without immersion, the food would not be forbidden; here, it would be.

DAILY MASHAL

Kashering the vessels captured in war - The Daas Z'keinim asks why these laws were not taught earlier, in the wars against Sichon and Og.

He answers that those wars were waged on the battlefield, so they did not yield household utensils among the spoils. However, the war against Midyon was waged in their cities, so household utensils were part of the spoils.

Rabbi Tzvi Akiva Fleisher had difficulty in understanding this explanation as in Dvorim 2:35 it says regarding the spoils of the war with Sichon, "U'shlal he'ORIM asher lochodnu."

The Ramban answers that the lands of Sichon and Og included areas that Hashem promised to the Bnei Yisroel as an inheritance, "eretz shivas ho'amim." The war waged to capture these lands was a "milchemes mitzvoh." The Gemara Chulin 17a says

that during this type of war, even pig may be eaten to give strength to the soldiers. If so, the non-kosher flavors absorbed into the walls of cooking vessels were surely not a concern.

The Ohr Chodosh answers that Chazal tell us that the war against Sichon and Og took a full twenty-four hours and Hashem miraculously kept the sun in the sky for that whole period of time. Once twenty-four hours pass, the flavors absorbed into the walls of a vessel spoil, and the vessel may be used. (A Rabbinical injunction prohibits their use without kashering even after 24 hours.)