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Nazir Daf 38

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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

Rabbi Avahu said in the name of Rabbi Elozar: Concerning all quarter-log measurements in the Torah, the permissible liquid does not combine with the forbidden one to complete the minimal punishable amount, except for the quarter-log measurement regarding a nazir, for the Torah has stated, *mishras (anything which is soaked in wine, he may not drink)*.

The Gemora asks: What is the difference between Rabbi Yochanan and Rabbi Elozar (for Rabbi Avahu said in the name of Rabbi Yochanan: Concerning all prohibitions in the Torah, the permissible food does not combine with the forbidden one to complete the minimal punishable amount, except for the prohibitions regarding a nazir, for the Torah has stated, *mishras*)?

The Gemora answers: Rabbi Yochanan includes food items, whereas Rabbi Elozar holds that this principle is only applicable to liquids. (38a)

Rabbi Elozar said: With respect to ten topics, the Torah established the measurement of a *revi'is* (quarter-log). Rav Kahana divided them into two groups: Five of them are red (*wine or blood*) and five of them are white (*oil and water*). The mnemonic to remember the five red ones is as follows: “A nazir and a person making the Pesach who ruled in the Beis Hamikdosh and died.”

The Gemora explains each of them. “A nazir” is referring to the *revi'is* of wine that a nazir drinks (for him to incur lashes).

“A person making the Pesach” is referring to that which Rav Yehudah said in the name of Shmuel: The four cups of wine that one is obligated to drink on Pesach night must contain a *revi'is*.

“Who ruled” is referring to the halachah that a sage should not issue a halachic ruling after drinking a *revi'is* of wine.

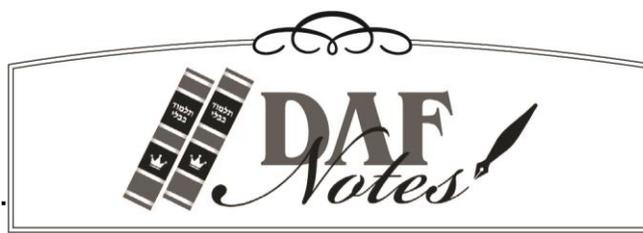
“In the Beis Hamikdosh” is referring to the halachah that one who entered the Beis Hamikdosh after drinking a *revi'is* of wine is liable to death (at the hands of Heaven).

“And died” is referring to the halachah taught in the following braisa: How is it known that a *revi'is* of blood that emerges from two corpses will transmit *tumas ohel* (if the tumah source and a person or object is under the same roof)? It is because it is written [Vayikra 21:11]: And he may not approach any dead persons.

The mnemonic to remember the five white ones is as follows: “The chalah of a nazir and a metzora that became disqualified on Shabbos.”

The Gemora explains each of them. “Chalah” refers to the *revi'is* of oil that is necessary for the loaves of the korban todah.

“Of a nazir” refers to the *revi'is* of oil that is necessary for the loaves of the nazir (for his concluding korbanos).



“And a *metzora*” is referring to the *revi'is* of water necessary for the *metzora* (for his purification procedure).

“That became disqualified” refers to the following *Mishna*: All liquids disqualify the body in the amount of a quarter-log.

“On *Shabbos*” refers to the following *Mishna*: Regarding all other liquids (one is liable for carrying on *Shabbos*) – in the amount of a quarter-log, and all other waste water – in the amount of a quarter-log.

The Gemora asks: Is there no more? But there is (the case mentioned in the following *Mishna*): One, and even two people may wash their hands from a cup containing one quarter-log of water.? [*This is because it originally had the required amount and the remaining water is regarded as a remainder of purification.*]

The Gemora answers: Things that are a matter of dispute are not mentioned (in the list).

The Gemora asks: But there is (the case mentioned in the following *Mishna*): [*The Mishna is continuing its discussion regarding the drinking procedure of a sotah and specifies the method of preparing the bitter waters.*]

The *Kohen* would bring an earthenware container and pour half a *log* of water from the *kiyor* (the copper water basin located in the Temple Courtyard) into it. Rabbi Yehudah says: A quarter *log*.

The Gemora answers: Things that are a matter of dispute are not mentioned (in the list).

The Gemora asks: But there is (the case mentioned in the following *braisa*): How much water must he pour into it (the urine – in order to nullify it so he should be permitted to pray)? Any amount (*is sufficient*). Rabbi Zakkai said: A *revi'is* (a quarter of a *log*; approximately four ounces).

The Gemora answers: Things that are a matter of dispute are not mentioned (in the list).

The Gemora asks: But there is the case of mikvah (where a mikvah of a quarter-log would be valid for the immersion of small utensils)?

The Gemora answers: Leave that be, for the Rabbis have already abolished it! (38a)

The *Mishna* had stated: He is not liable until he eats an olive's volume of grapes. [*The Mishna continued: According to the earlier Mishna, a nazir will not be liable until he drinks a revi'is (one-fourth of a log) of wine. Rabbi Akiva said: Even if he soaked his bread in wine and there is enough in it to equal a k'zayis, he will be liable. (Rabbi Akiva disagrees with the earlier Mishna, and holds that even regarding drinking wine, the amount for which a nazir incurs lashes is a k'zayis, which is the amount displaced from a full cup of wine when an olive is placed within it; therefore, edibles combine with liquid to equal a k'zayis. He also teaches us that a permissible item can combine to equal the amount needed to be liable.)*]

The Gemora notes: The Tanna Kamma does not compare all the (solid) things forbidden on a nazir as drinking (and therefore, he is liable on solids when he eats a kezayis, and he is liable on liquids when he drinks a quarter-log), whereas Rabbi Akiva, because of the verse: *he may not eat fresh grapes nor dried grapes*, says that just as in eating, one is liable for an olive's volume, so too for all the prohibitions, an olive's volume (is sufficient for liability). (38b)

The Gemora cites a *braisa*: The verse: *he may not eat fresh grapes nor dried grapes* indicates that one is liable (for lashes) for eating this one by itself, and there is liability for eating the other by itself. [He will incur a separate set of lashes for each one.] From here a rule may be derived applicable to all (nazir) prohibitions of the Torah. Just as

here, where we have a single kind (grapes) known by two different names (fresh and dried), he is liable for this by itself and this by itself, so too, wherever we find a single kind (of grapes) known by two different names, he is liable for this by itself and this by itself. In this way, new wine and grapes are included.

Abaye said: If a nazir ate grape-seed, he incurs lashes twice (one for the prohibition against eating grape-seed, and the other for the general prohibition against eating from anything made of grapevine). If he ate grape-skin he incurs lashes twice. If he eats both grape-seed and grape-skin, he incurs lashes three times.

Rava said: He incurs only one set of lashes in the first two cases since we do not incur lashes for violating a prohibition expressed in general terms.

Rav Pappa raised an objection from the following braisa: Rabbi Eliezer said: A *nazir* who was drinking wine the entire day will only be liable once (*he will only receive lashes one time*). If they told him, "Do not drink," Do not drink," but he kept on drinking, he will be liable for each and every time (*that he drank after he was warned*). If he ate fresh grapes and dried grapes, grape-seed and skin, and squeezed a cluster of grapes and drank the juice, he would incur five sets of lashes. Now (if Abaye is right), he should incur lashes six times, including once on account of: *He shall eat nothing that is made of the grapevine?*

Abaye replied: He mentioned some and omitted others.

The Gemora asks: But what other one is omitted, that the one referred to should have been omitted?

The Gemora answers: He omitted: *He shall not violate his word*.

The Gemora asks: Had this last, however, been the only one, it would not have been considered an omission, as it

could be argued that Rabbi Eliezer mentioned only those prohibitions that are not found elsewhere, whereas this one is found in connection with ordinary vows as well.

Ravina of Parazikya said to Rav Ashi: But he has in any case omitted the pulp?

The Gemora answers: Rather, Rav Pappa said that the braisa does not really state five at all.

The Gemora asks: But he (Rav Pappa) quoted the braisa in contradiction (of Abaye) because of the five (lashes), and if five is not mentioned in it, why did he quote it as a contradiction?

Rav Pappa said: I thought that Abaye's opinion was not a tradition (he had received), and so he would retract upon hearing my quotation, for I did not know that it was a tradition and that he would not retract. (38b – 39a)

Rav Yosef said: In agreement with whom is the rendering in the Targum as: *mipurtzenin ve'ad itzurin* (from the seeds to skins)? It is in agreement with the opinion of Rabbi Yosi. (39a)