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Nazir Daf 40

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Amounts of Hairs

Rav Chisda says: A *nazir* will receive lashes for shaving during his *nezirus*, even if he removes only a single hair. His haircut at the end of his *nezirus* has not been fulfilled properly if he leaves two hairs. He forfeits the earlier days of his *nezirus* only if he shaves off most of the hair on his head (*during his nezirus and with something akin to a razor, as explained below*). And to receive lashes (*for even one hair*), he must have cut off his hair with a razor (*understanding of Gemora according to Tosfos*). (40a1)

Using a Razor

The *Gemora* asks: This implies that he does not receive lashes if he uses an implement other than a razor. Doesn't the *Baraisa* say: How do we know that we should include all implements that remove hair?

The *Gemora* answers: Rav Chisda meant anything that is like a razor (*including a razor*).

This is supported by the following *Baraisa*: A *nazir* who tore out (*leaving the root*), uprooted, or cut off even a little hair, forfeits his earlier days of *nezirus* only if he cut off most of his hair with a razor. Rabbi Shimon ben Yehudah says in the name of Rabbi Shimon: Just as two hairs left from the haircut at the end of his *nezirus* means that he has not fulfilled his (obligation to take a)

haircut properly, so too the cutting of two hairs rejects the earlier days of his *nezirus*. (40a1 – 40a2)

It was stated in the following *Mishnah*: Three cut their hair, and their cutting is a *mitzvah*. They are: A *nazir*, a *metzora*, and the Levites (*at the time of Moshe Rabbeinu*). If any of them shaved without a razor or left two hairs, they are considered to have done nothing. (40a2)

The “Three” with a Razor

Mar (*the Mishnah*) stated: Three cut their hair, and their cutting is a *mitzvah*.

The *Gemora* asks: Is this not obvious?

The *Gemora* answers: One might have thought that the important part of these *mitzvos* is to take away the hair, and therefore, even if they would have applied a depilatory (to remove their hair), they would fulfill the *mitzvah*; the *Mishnah* therefore teaches us that this is incorrect.

The *Mishnah* had stated: And if any of them did not shave with a razor etc.

The *Gemora* asks: It is understandable that this is the ruling regarding a *nazir*, as the verse states: *a razor shall not pass over his head*. It is similarly

understandable by the Levites, as it states: *And you should pass a razor over all of their skin*. However, what is the source that this is also the law regarding a *metzora*?

The Gemora notes: One might have thought to derive this from the Levites. Just as the Levites required a haircut that was only with a razor, so too a *metzora*, who requires a haircut, should only do so with a razor. However, one could rejoin that the Levites were also different from a *metzora* in that they needed to be picked up and waved (*by a Kohen*), whereas a *metzora* does not.

The Gemora therefore suggests that the law that the haircut of a *metzora* must be done with a razor can be derived from *nazir* (*in the same fashion as we attempted to derive it from the Levites above*).

However, the Gemora asks, the *korban* of a *nazir* is special in that it requires bread (*unlike that of a metzora*)!?

The Gemora answers: It cannot be derived from one of them, but let us derive it from both of them. From which one [of the two] should it be derived? You will infer it [using the above argument] from the Levites. [To the objection] that although it is true of the Levites [this may be] who require the waving of their body, [you will reply that] the nazir will show [that this cannot be the reason]. [To the objection that] although it is true of the nazir [this may be] because his sacrifice must be accompanied by bread, [you will reply that] the Levites show [that this cannot be the reason]. The argument thus goes round; what applies to one side does not apply to the other; and what applies to the other side does not apply to the one side. What they have in common is that they both require shaving and

this shaving must be done with a razor, and so I will infer with regard to the *metzora* who is also required to shave that his shaving must be done with a razor.

Rava from Barnish asked Rav Ashi: Let us ask that both still have a common denominator unlike a *metzora*, as they have a set *korban*, unlike a *metzora* who brings a different *korban* if he is poor (*for then he brings a bird instead of a lamb*).

Furthermore, Rava bar Mesharshiya asked to Rava: The *Tanna* earlier (*in a different Baraisa*) stated that the law that a *nazir* must use a razor cannot be learned from a *metzora*. This was because a stringency regarding a lighter topic (*nazir*) cannot be derived from a stringent topic (*metzora*). Now it is apparent that this law cannot be derived regarding a *metzora* either, as per Rava from Barnish's question above. [Accordingly, what are the correct teachings regarding *nazir* and a *metzora*?]

Rava answered: The *Baraisa* you are asking from is according to the *Chachamim*, while the previous *Baraisa* is according to Rabbi Eliezer. This is apparent from the *Mishnah* that states that a *nazir* is not liable until he has cut the hair with a razor. Rabbi Eliezer says: Even if he cut it with different types of planes, he is liable.

What is the reasoning of the *Chachamim*? The *Baraisa* states: *His beard*. What does this word teach us? The verse states (*regarding the Kohanim*): *And the corners of their beard they should not shave off*. One might think that this applies to the shaving of a *metzora* as well. Therefore the verse states regarding the shaving of a *metzora* that he also must shave his beard (*this teaches us that the positive commandment of the shaving of a metzora overrides the negative commandment for a Kohen not to shave and his*

positive commandment of “holy they should be”; this would indicate that a metzora must shave with a razor, for otherwise, let him shave with other planes and the Kohen will not be violating any transgressions).

How do we know that the prohibition (of a Kohen) is only with a razor? It was taught in a Baraisa: The verse says: *And the corners of their beard they should not shave off*. One might have thought that this means that they may not even cut it off with a scissors. The verse (regarding a Yisroel) therefore states: *And do not destroy (the hair)*. One might have thought that this is even if he cut off the hairs with a plane. The verse (by a Kohen) therefore states: *And the corners of their beard they should not cut off*. What is the case? What is shaving that entails destroying? It must be that this refers to shaving with a razor. [Accordingly, when the Baraisa stated that a metzora does have to shave against the orders of this verse, it means that he must shave his beard with a razor.]

The Gemora asks: How do we know this (that the mitzvah for a metzora must be done with a razor)? Perhaps even when one shaves with a plane he fulfills the mitzvah, and the verse is merely telling us that the metzora will not be liable even if he shaves with a razor (although he could have used other planes)?

They answered: If you would think that a metzora fulfills the mitzvah of shaving with any type of plane, let the verse be quiet (regarding his beard), and we would know through the following kal vachomer that he is permitted to use a razor: We find by a nazir, who has committed a transgression (for all nezirim are referred to as “sinners”), and nevertheless, they are obligated to shave (even though this will result in the violation of shaving one’s head); here, by a metzora, who has a mitzvah to shave (and he is not referred to as a sinner),

should certainly be permitted to shave with a razor (it is therefore not necessary to write it, and “his beard” must be coming to teach us that the metzora’s shaving must be done with a razor)! (The Gemora continues this discussion on the next Daf.) (40a2 – 40b2)

INSIGHTS TO THE DAF

A POSITIVE COMMANDMENT OVERRIDING TWO PROHIBITIONS

Reb Moshe Rozmerin in Dvar Moshe states that the Rambam maintains that one who rounds the corners of his head has violated two prohibitions; one for cutting his payos (corners), and another for following in the statutes of the non-Jews.

Our Gemora states that the positive commandment for the metzora to remove all his hair overrides the prohibition of rounding the corners on one’s head. According to the Rambam, it is actually overriding two prohibitions. Tosfos in Yevamos (3b) discussed this issue and did not cite our Gemora as a proof. Other Rishonim maintain that a positive commandment cannot override two prohibitions.

A question is brought in the name of the Lubliner Gaon: The Gemora in Yevamos (20b) states regarding a widow falling to yibum to a Kohen Gadol that it is a situation where the positive commandment of yibum can possibly override the prohibition of a Kohen Gadol marrying a widow. He asks: There are two prohibitions for a Kohen Gadol to marry a widow; one is lo yikach (he shall not take her), and the other is lo yechallel (he shall not desecrate the kehuna). How can the positive commandment of yibum override two prohibitions?



Reb Chaim Ozer in *Achiezer* (Even Ezer, 4) answers: The Rishonim concede that when the two prohibitions are dependent on each other, the positive commandment can override both prohibitions. The basis for the prohibition of desecrating the *kehuna* is because it is an illicit relationship; once the *mitzvah* of *yibum* overrides the prohibition of *lo yikach*, it becomes a permitted relationship and there will be no prohibition of *lo yechallel*.

[It would seem to me that this is dependent on how we understand that a positive commandment cannot override two prohibitions. We can explain that each prohibition strengthens one another and the positive commandment cannot override any of them; or perhaps the positive commandment does override one of the prohibitions, but it does not have the capabilities to override the second one. Reb Chaim Ozer would be in accordance with the latter explanation.]

According to the *Achiezer*, we can answer the Dvar Moshe's question. The positive commandment for the *metzora* to cut his hair overrides the prohibition against rounding the corners of one's head, and consequently, there will be no prohibition of following in the statutes of the non-Jews.

DAILY MASHAL

Shaving on Shabbos

The *Gemora* cites the verse regarding the *Levi'im* [Bamidbar 8:7]: *And they shall pass a razor over their entire skin*. The Chasam Sofer asks: According to the calculation, this occurred on *Shabbos*. How was it permitted for them to shave on *Shabbos*?

He answers: They shaved in a manner that was less than the amount required for one to be liable.

A similar question is asked regarding Yosef. How was he permitted to shave on the day that he emerged from prison? Chazal say that Yosef was summoned to Pharaoh on Rosh Hashanah! Chasam Sofer answered that it was permitted due to the honor of the king.

Accordingly, the *Pardes Yosef* said that this answer can be used to explain the *Levi'im's* permission to shave as well. Since this shaving was part of the process of anointing and sanctifying the *Levi'im*, which prepared them to serve Hashem in the *Mishkan*, it would certainly be permitted, even on *Shabbos*.