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Nazir Daf 44

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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

### **Mishnah**

There are three different types of prohibitions relevant to a *nazir*. He is forbidden from becoming *tamei* through corpse *tumah*; he may not shave his head; he is prohibited to eat grapes or drink wine and anything that comes from a vine. The first two are more stringent than grape products, as if a *nazir* transgresses the first two, he has forfeited his earlier days of *nezirus* (and must redo them), whereas, this is not the case if he has grape products. However, grape products are stringent in a way over the other two categories, as grape products are never permitted to a *nazir*, as opposed to the other two that are sometimes permitted. [The Gemara explains that this refers to a case in which he took an oath to drink wine, and as a consequence he is obligated to drink wine, and afterwards he undertook *nezirus*; the *nezirus* is effective on his oath, and he is forbidden wine; it goes without saying that he is forbidden the wine of *kiddush* and of *havdalah*, for the obligation to recite *kiddush* over wine is only a Rabbinical requirement (Tosfos; Rambam, Hil. *Nezirus* 7:11)] A *nazir* is permitted to cut his hair when he has a *mitzvah* to do so (i.e. if he was a *metzora*), and he is allowed to become impure to a dead person who has no one else to bury him (known as a “*mies mitzvah*”). Becoming impure to the dead is more stringent than cutting his hair. If he becomes impure to the dead he must redo his previous days of *nezirus* and bring a *korban*. However, if he cuts his hair he must only redo thirty days of his *nezirus* and does not have to bring a *korban*. (44a1)

### **The Exceptions**

The Gemora asks: Why don't we derive from the prohibition against eating grape products that there should be no

exception to becoming impure to a *meis mitzvah*? We should say that just as wine (if he drinks wine during the days of his *nezirus*) that does not make a *nazir* redo the previous days of his *nezirus* has no exceptional case, certainly becoming impure, which does make a *nazir* redo his previous days, should not have any exceptional cases!

The Gemora answers: This exception is derived from the verse: “to his father and mother he should not become impure.” This implies that he cannot become impure to them, but he can become impure to a *meis mitzvah*.

The Gemora asks: Let us derive that wine has exceptions from the topic of becoming impure! If becoming impure that makes a *nazir* redo his previous days has an exception, certainly wine that does not cause a *nazir* to redo his days should have an exception!

The Gemora answers: The Torah states, “from wine and beer he should abstain.” This implies both wine that is for a *mitzvah* and wine that is not for a *mitzvah*.

The Gemora asks: Let us derive that the drinking of wine indeed makes a *nazir* redo his previous days from the *halachah* of becoming impure. If becoming impure has an exception, yet becoming impure generally makes a *nazir* redo his days, certainly wine that does not have an exception should make a *nazir* redo his days!

The Gemora answers: The Torah says, “and the first days will fall because he made his *nezirus* impure.” This implies that only impurity is a reason for redoing the previous days, not the drinking of wine.

The *Gemora* asks: Let us derive that cutting hair makes one redo his entire *nezirus* (not just thirty days) from the topic of becoming impure. If regarding a *nazir* becoming impure, the Torah did not say that there is a prohibition against someone who causes the *nazir* to become impure, yet it makes one redo his previous days of *nezirus*, certainly cutting hair, where there is a prohibition against the person who cuts the hair as well, should cause one to redo his entire *nezirus*!

The *Gemora* answers: The Torah says, “and the first days will fall because he made his *nezirus* impure.” This implies that only impurity is a reason for redoing all of the previous days, not the drinking of wine.

The *Gemora* asks: We should derive from the cutting of hair that there is a prohibition against causing a *nazir* to become impure! If cutting hair makes a *nazir* redo only thirty previous days, yet there is a prohibition against someone else cutting the hair of a *nazir* as well, certainly regarding becoming impure, which makes a *nazir* redo his entire *nezirus*, there should also be a prohibition against causing a *nazir* to become impure!

The *Gemora* answers: The Torah says, “the head of his *nezirus* will become impure.” This implies that there is only a prohibition against the one who makes his own head impure.

The *Gemora* asks: We should derive that there is no prohibition against someone else who cuts the hair of a *nazir* from the topic of becoming impure. If becoming impure can make a *nazir* redo his previous days, yet there is no prohibition against causing a *nazir* to become impure, certainly cutting hair, that cannot make a *nazir* redo more than thirty previous days, should not bear a prohibition against the one who cuts his hair!

The *Gemora* answers: The Torah states, “a razor should not pass over his head.” This can be read as not allowing a razor to be passed over his head by anyone, whether it is him (the *nazir*) or someone else.

The *Gemora* asks: We should derive from drinking wine that cutting hair should not have an exception. If wine, that does not make one redo his previous days has no exception, certainly cutting hair, that does make one redo his days, should not have an exception!

The *Gemora* answers: The Torah states the extra words, “his head (his beard)”; this teaches us that the shaving of a *mitzvah* is an exception.

The *Gemora* asks: We should derive that cutting hair does not make a *nazir* redo any previous days from drinking wine. If drinking wine, which does not have any exception, does not make a *nazir* redo any days, certainly cutting hair, which does have an exception, should not make a *nazir* redo any days!

The *Gemora* answers: It obviously must make him redo the days, as he must have a growth of hair (in order to complete his *nezirus*) and that is not present (as he cut it, and it takes thirty days to generally have a significant growth of hair).

The *Gemora* asks: Let us derive that wine should make one redo thirty days from the cutting of hair. If cutting hair, which has an exception, makes one redo thirty days, certainly wine, which does not have an exception, should make one redo thirty days!

The *Gemora* answers: The only reason thirty days is required by cutting hair is that he needs a significant growth of hair, which is inapplicable to drinking wine (where his growth is still present). (44a1 – 44a3)

### **Mishnah**

[As has already been taught, there are three definitions of ‘cutting hair’ regarding the *nazir*: (1) the prohibited ‘cutting hair’ - during the period of his *nezirus* the *nazir* is forbidden to shave the hair of his head; (2) the ‘cutting hair’ of *tumah* - if the *nazir* becomes *tamei* by a corpse related *tumah* during

the period of his nezirus, he counts seven clean days, as is the law for any person who became tamei with a corpse related tumah, and after he cleansed himself, he is obligated to shave the hair of his head and to bring sacrifices; (3) the 'cutting hair' of taharah - after the nazir completes his period of nezirus in a state of purity, he shaves and brings the nazir sacrifices. After the laws of the prohibited 'cutting hair' were taught in the last section of the previous Mishnah, this Mishnah teaches the laws of the 'cutting hair' of tumah.] What is the process for someone who must have a haircut for becoming tamei during his nezirus? He has to be sprinkled on the third and seventh day (after he became impure, from the ashes and water of the red heifer). He cuts his hair on the seventh day and brings his korbanos on the eighth day. If he cuts his hair on the eighth day, he still brings his korbanos on that day. These are the words of Rabbi Akiva. Rabbi Tarfon questioned: What is the difference between him and a metzora? Rabbi Akiva answered: The purity of this nazir depends on his days, while the purity of a metzora depends on his haircut. A nazir does not offer his korbanos unless the sun has gone down. (44b1)

### Does Rabbi Tarfon Agree?

The Gemora asks: Does Rabbi Tarfon agree with Rabbi Akiva's explanation?

The Gemora tries to answer this question from a Baraisa quotes by Hillel. The Baraisa states: If he cuts his hair on the eighth day, he brings his korbanos on the ninth day. If Rabbi Tarfon agreed, he would have stated that the korbanos can be brought on the eighth day!

Rava answers: This is not difficult. The Baraisa is talking about a case where he did not go the mikvah on the seventh day, whereas the Mishnah is discussing a case where he did.

<sup>1</sup> And so could not enter the Temple mount to give his sacrifices to the Kohen. Further, it would be forbidden to slaughter a korban pesach on his behalf and he would have to wait until the second Pesach.

<sup>2</sup> And so a nazir after tumah should also be forbidden to enter the temple mount in just the same way as one who has recovered from zivah is forbidden to do so.

Abaye stated: I found the friends of Rav Nassan bar Hoshiya who sat and said that when the verse says, "and he will come before Hashem to the opening of the Ohel Moed (Mishkan) and give it to the Kohen," when is this referring to? It must be referring to after he went to the mikvah and the sun has gone down, not before.

His friends told him: This proves that a tevil yom (one who was tamei, but has immersed himself in a mikvah; he is considered a tevil yom until nightfall) of a zav (a man who has an emission similar but not identical to a seminal discharge) is considered a zav (and therefore, he may not enter the Levites' camp). (44b1 – 44b2)

Thus we see [they said] that [this Tanna] is of the opinion that a tevil yom after zav is still like a full-fledged zav.<sup>1</sup>

I [Abaye] then said to them: If that is so, then in the case of a nazir tamei, where we find the verse: He shall bring two turtle doves . . . to the Kohen to the entrance of the Tent of Meeting, [we should also say] that he is to come only if he has immersed and waited until after sunset.<sup>2</sup> Now where were the Gates of Nikanor<sup>3</sup> situated? At the entrance to [the camp of] the Levites [were they not]? And yet it has been taught: One who is contaminated by a corpse is allowed to enter the camp of the Levites; and not merely one contaminated by a corpse, but even the corpse itself [may enter there], for it says: And Moshe took the bones of Yosef with him; the meaning of with him is 'in his own section,' i.e. in the camp of the Levites.

It must therefore be, said Abaye, that a tevil yom after zav is not like a full-fledged zav, but in spite of this, because he still lacks atonement, he is not to enter [into the Temple precincts].<sup>4</sup> For seeing that the reference is to the Camp of

<sup>3</sup> It was to the Gates of Nikanor, which separated the Women's Court from the rest of the Temple precincts, that the sacrifices were brought.

<sup>4</sup> I.e., he is forbidden to enter the Camp of the Levites to give his sacrifices to the Kohen, not because he is treated as though he is like a full-fledged zav, but because he is lacking in atonement, i.e., has not yet offered the necessary sacrifices. And although, in general, a person

the Levites, why is it called [in the verse], ‘the Tent of Meeting’? To tell us that just as one who lacks atonement might not enter there, so one who lacks atonement may not enter the Camp of the Levites.<sup>5</sup>

How is it known in that case? — It has been taught: He shall be tamei, includes also a tevul yom; his tumah is yet upon him includes also one who lacks atonement. (44b2 – 45a2)

## INSIGHTS TO THE DAF

### ***The Nazir’s Barber***

The Torah states, “A razor should not pass over his head.” This can be read as not allowing a razor to be passed over his head by anyone, whether it is him or someone else.

The Rishonim learn that the one who gives the *nazir* a haircut has violated this prohibition.

The Haflaah asks: How do we know from this verse that the one who gives the haircut has violated this prohibition? Perhaps it is the *nazir* who is transgressing by allowing the other fellow to give him a haircut, but the “barber” has not violated anything!

### ***Hair that will be cut off is still not a Chatzitzah***

The *Gemora* cites a *Baraisa*: If he cuts his hair on the eighth day, he brings his *korbanos* on the ninth day.

Rava explains that the *Baraisa* is talking about a case where he did not go the *mikvah* on the seventh day.

It is evident from this *Gemora* that the immersion of a *nazir* is valid, even though it occurred prior to his haircut! One

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lacking in atonement was not forbidden to enter the Camp of the Levites, but only the Camp of the Divine Presence, here for the reason to be given immediately entry even into the Camp of the Levites is forbidden until after sunset.

might argue that his hair should be regarded as a *chatzitzah* (*interposition*), since it will shortly be cut off.

The Chasam Sofer (Y”D 195) derives from here the following *halacha*: Although a bride will be shaving her hair immediately after she marries (*for her head will be covered*), nevertheless her hair is not regarded as a *chatzitzah* when she immerses in the *mikvah* before her marriage.

## DAILY MASHAL

### ***Mitzvah Hairs***

The following question is brought in the sefer Kelil Tiferes: How can a nazir fulfill the mitzvah of tefillin? Aren’t the long hairs regarded as an interposition (*chatzitzah*) between the tefillin and his head?

He answers based on the words of the Vilna Gaon in his notes on the Shulchan Aruch: Anything that is for a mitzvah cannot be regarded as a *chatzitzah*. This would apply by a nazir as well. Since his hair is being grown out for a mitzvah, it is not considered a *chatzitzah* at all.

<sup>5</sup> Whereas the nazir is not considered lacking in atonement since his tumah arose from external causes (contact with the dead) and not from internal ones (tzaraas or zivah).