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Nazir Daf 48

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Expounding the Verses

The *Gemora* continues discussing the seemingly superfluous words in the *nazir* verses: It is written: *or to his mother (he cannot become tamei to her)*. This is used for Rebbe’s *gezeirah shavah* (one of the thirteen principles of Biblical hermeneutics; it links two similar words from dissimilar verses in the Torah), which he taught in the following *braisa*: A *nazir* cannot become *tamei* to a corpse, but he can become *tamei* from someone with *tzaraas* or *zivah*.

The *Baraisa* continues: How do we know that a *Kohen Gadol* is permitted to become *tamei* from someone with *tzaraas* or *zivah*?

The *Baraisa* answers: It was not necessary for the Torah to say *his mother* (that the *Kohen Gadol* cannot become *tamei* to), for it could have been derived through the following *kal vachomer* (literally translated as *light and heavy, or lenient and stringent; an a fortiori argument; it is one of the thirteen principles of biblical hermeneutics; it employs the following reasoning: if a specific stringency applies in a usually lenient case, it must certainly apply in a more serious case*): Since we find that an ordinary *Kohen* can become *tamei* to his paternal brother, but a *Kohen Gadol* cannot become *tamei* to his father; then where an ordinary *Kohen*

cannot become *tamei* to his maternal brother, the *halachah* should certainly be that a *Kohen Gadol* cannot become *tamei* to his mother! It is therefore extra and available to be used for the following *gezeirah shavah*: It says *his mother* by a *nazir* and it says *his mother* by a *Kohen Gadol*. Just like *his mother* by *nazir* teaches us that he cannot become *tamei* to a corpse, but he can become *tamei* from someone with *tzaraas* or *zivah*, so too *his mother* by *Kohen Gadol* teaches us that he cannot become *tamei* to a corpse, but he can become *tamei* from someone with *tzaraas* or *zivah*.

The *Gemora* asks: We have found the source for the *Kohen Gadol*; how do we know that a *nazir* can become *tamei* to a *meis Mitzvah*?

The *Gemora* cites a *Baraisa*: It is written: *All the days that he abstains for Hashem, he shall not come into contact with a dead nefesh*. Perhaps the *nazir* is forbidden to become *tamei* to a body of an animal as well. The Torah wrote *with a dead nefesh* to indicate that he is forbidden to come into contact only with a dead person (for an animal after its death would not be referred to as *nefesh*). Rabbi Yishmael said: This *halachah* may be derived from the fact that the Torah wrote *he shall not come*. The Torah is only referring to a *tumah* which can have *tumas ohel* (if the *tumah* source and a person or object is under the



same roof; since the carcass of an animal cannot generate this type of tumah, it is therefore excluded).

The *Baraisa* continues: It is written: *to his father or to his mother (he cannot become tamei to them)*. This teaches us that he cannot become *tamei* to his father or mother, but he can become *tamei* to a *meis mitzvah*.

The *Baraisa* asks: This could have been derived through the following *kal vachomer*: Since we find that a *Kohen Gadol*, whose sanctity is permanent, is permitted to become *tamei* to a *meis mitzvah*; shouldn't the *halachah* be with respect to a *nazir*, whose sanctity is not permanent, that he should certainly be allowed to become *tamei* to a *meis mitzvah*!

The *Baraisa* answers: The *kal vachomer* can be rejected, for a *Kohen Gadol* is not required to bring a *korban* if he becomes *tamei*; however, a *nazir*, who is required to bring a *korban* if he becomes *tamei*, perhaps he cannot become *tamei* to a *meis mitzvah*. The verse is therefore necessary to teach us that a *nazir* can become *tamei* to a *meis mitzvah*.

The *Baraisa* asks: Perhaps the words *to his father or for his mother* is coming to teach us that a *nazir* cannot become *tamei* to his father or his mother, but he may become *tamei* to others (*who are not his relatives*).

The *Baraisa* rejects this suggestion: That exposition may be refuted through the following *kal vachomer*: If an ordinary *Kohen*, who may become *tamei* to his relatives cannot become *tamei* to others (*who are*

not his relatives); then a *nazir*, who cannot become *tamei* to his relatives, should certainly be forbidden from becoming *tamei* to others (*who are not his relatives*)!

The *Baraisa* therefore concludes that the words *to his father or for his mother* teaches us that he cannot become *tamei* to his father or mother, but he can become *tamei* to a *meis mitzvah*.

The *Baraisa* proves that these words are extra: It was not necessary for the Torah to write that a *nazir* cannot become *tamei* to his father or his mother, for it could have been derived through the following: Generalities are said with respect to a *Kohen Gadol* (*that he cannot become tamei to anyone*) and generalities are said with respect to a *nazir*. Just as with the generalities regarding a *Kohen Gadol*, we learn that *to his father* he cannot become *tamei*, but he may become *tamei* to a *meis mitzvah*; so too, with respect to the generalities of a *nazir*, we can learn that *to his father* he cannot become *tamei*, but he may become *tamei* to a *meis mitzvah*.

Or perhaps, we can learn differently: Generalities are said with respect to an ordinary *Kohen* and generalities are said with respect to a *nazir*. Just as with the generalities regarding an ordinary *Kohen*, he can become *tamei* to his father; so too, with respect to the generalities of a *nazir*, he may become *tamei* to his father (*and therefore the Baraisa should conclude that "to his father" is not extra, for it is necessary to teach us that he cannot become tamei to his father; nevertheless, the Baraisa concludes with the following:*). The Torah states: *to his father or*

to his mother he cannot become *tamei*, but he may become *tamei* to a *meis mitzvah*.

The *Gemora* asks: The verse should be necessary to teach us that he cannot become *tamei* to his father!

Rather, this is what the *Baraisa* actually said: *to his father* teaches us that he cannot become *tamei* to his father (and to any of his other close relatives). *To his brother* (that he cannot become *tamei* to, is therefore *superfluous*) teaches us that he cannot become *tamei* to his brother, but he may become *tamei* to a *meis mitzvah*. *To his mother* is extra to teach us Rebbe's *gezeirah shavah* (a *nazir* cannot become *tamei* to a corpse, but he can become *tamei* from someone with *tzaraas* or *zivah*).

To his sister (which is written by *nazir*) teaches us that which we learned in the following *Baraisa*: If someone was traveling to bring his *korban pesach* or to circumcise his son, and he heard that one of his close relatives died, the *halachah* is that he should not become *tamei* to them (for one who fails to perform the positive commandment of the *korban pesach* or *circumcision* will receive the penalty of *kares*). Perhaps he should not become *tamei* to a *meis mitzvah* either. The Torah writes to his sister to teach us that a *nazir* cannot become *tamei* to his sister, but he may become *tamei* to a *meis mitzvah* (and we derive from here that this would apply to someone who is not a *nazir* as well).

Rabbi Akiva expounds the verses as follows: (he shall not come into contact with a dead *nefesh*) *With a nefesh* teaches us that the *nazir* may not become *tamei* to the dead that are not his relatives. *The dead*

teaches us that he may not become *tamei* to his relatives. *To his father or to his mother* teaches us that he cannot become *tamei* to them, but he may become *tamei* to a *meis mitzvah*. *To his brother* teaches us that if he would be a *Kohen Gadol* and a *nazir*, he cannot become *tamei* to his brother, but he may become *tamei* to a *meis mitzvah*. *To his sister* teaches us that which we learned in the following *Baraisa*: If someone was traveling to bring his *korban pesach* or to circumcise his son etc.

The *Gemora* asks: From where does Rabbi Akiva derive Rebbe's *gezeirah shavah* (a *nazir* cannot become *tamei* to a corpse, but he can become *tamei* from someone with *tzaraas* or *zivah*)?

The *Gemora* answers: Since Rabbi Akiva said that if he would be a *Kohen Gadol* and a *nazir*, he cannot become *tamei* to his brother, but he may become *tamei* to a *meis mitzvah*. Obviously, the same *halachah* would apply if he was merely a *Kohen Gadol* as well. (Therefore the verse "to his father" which is written by a *Kohen Gadol* is extra and available to teach us Rebbe's *gezeirah shavah*.)

The *Gemora* asks: How does Rabbi Yishmael know that a *Kohen Gadol* who is a *nazir* may become *tamei* to a *meis mitzvah*?

The *Gemora* answers: If a *meis mitzvah* overrides one prohibition (if he is a *Kohen Gadol* or a *nazir*), it should be able to override two prohibitions.

The *Gemora* asks: If so, what is derived from the verse *his sister* (if there is no distinction between the prohibitions)?



The *Gemora* answers: We would have thought that *meis mitzvah* can override a prohibition that is merely a negative precept; however with respect to circumcision and the *korban pesach*, which involves the penalty of *kares*, the Torah would not permit someone to become *tamei* for the *meis mitzvah*. The verse teaches us that this is not the case. (48a1 – 48b3)

INSIGHTS TO THE DAF

The Nazir's Allowance to Become Tamei

It is evident from the Rambam in Hilchos *Nezirus* (7:12) that the reason that a *nazir* may become *tamei* to a *meis mitzvah* is because of the *mitzvah* of burial. However, from Tosfos, it would seem that there is a different reason. Tosfos writes that it is permitted for the *nazir* to move the corpse from the sun to the shade. This would indicate that the allowance for the *nazir* to become *tamei* is not on account of the *mitzvah* of burial, but rather it is due to the obligation of respecting the dead.

The Rogatchover Gaon notes the following distinction between the two reasons: If a father imposed *nezirus* upon his son, and the son, as a minor, comes upon a *meis mitzvah*. If the reason for the permission to becoming *tamei* is because of the *mitzvah* of burial, a minor who is not obligated in *mitzvos*, would not be allowed to become *tamei* to the corpse. However, if the allowance is based upon respecting the dead, the minor would also be

obligated to bury him, for he is also responsible to see that a corpse does not lie in degradation.

DAILY MASHAL

Significance of Relatives

The *Gemora* stated: Perhaps the *nazir* is forbidden to become *tamei* to a body of an animal as well. The Torah wrote *with a dead nefesh* to indicate that he is forbidden to come into contact only with a dead person (*for an animal after its death would not be referred to as nefesh*).

The commentators ask: We find the term 'nefesh' associated with a living animal, as it is written, "makeh nefesh beheimah"; accordingly, why can't the term be used for a dead animal as well?

The Yismach Moshe answers: 'Nefesh' is a term describing live humans and animals, for they have life. A human being can still be referred to as 'nefesh' after death, for he still has relatives (and presumably, there is still something to his existence); an animal, however, that doesn't leave relatives, has nothing, and the term 'nefesh' cannot be used.