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Nazir Daf 49

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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

Verses According to Rabbi Akiva

The *Gemora* asks: According to Rabbi Akiva, the *halachah* that a *Kohen Gadol*, or even a *Kohen Gadol* who is also a *nazir*, may become *tamei* to a *meis mitzvah*, is derived from the verse *his brother*. If so, what is derived from the verse *to his father or to his mother*?

The *Gemora* answers: Both words are necessary. For if the Torah would have only written *for his father* (*that the nazir may not become tamei to*), we would have thought that it is only the father that he cannot become *tamei* to, for there is merely a presumption of paternity (*for perhaps his mother committed adultery*), but regarding his mother, whom we know gave birth to him, he could become *tamei* to her (*the Torah therefore has to write “his mother” to teach us that he cannot become tamei to her*). And if the Torah would have only written *for his mother* (*that the nazir may not become tamei to*), we would have thought that it is only the mother that he cannot become *tamei* to, for her children’s lineage is not reckoned through her, but regarding his father, where the *halachah* is that family is determined by the father, he could become *tamei* to him (*the Torah therefore has to write “his father” to teach us that he cannot become tamei to him*).

The *Gemora* asks: What does Rabbi Akiva derive from the verse: *he shall not come upon any dead people*?

The *Gemora* answers: *Upon any* teaches us that the *Kohen Gadol* cannot become *tamei* to those that aren’t his relatives. *Dead* is excluding even relatives. *People* comes to exclude a case where a *revi’is* (*quarter-log*) of blood emerges from two corpses. The *halachah* that it will transmit *tumas ohel* (*if the tumah source and a person or object is under the same roof*) is derived from this verse (*since “nefoshos” is written in a plural form*). (49a – 49b1)

Mishnah

For which *tumos* does a *nazir* shave (*after seven days of his purification process and then he restarts his nezirus*)? For a corpse and for a *k’zayis* (*olive’s volume*) from a corpse and for a *k’zayis* of *netzel* (*when the body decomposes and coagulates*), and for a full ladle of corpse-dust, for the spinal column, and for the skull, and for a limb from a corpse, and for a limb from a living person upon which there is a sufficient amount of flesh (*for the limb to regenerate; this is necessary by the limb from a corpse as well*), and for half a *kav* of bones (*if they are from the majority of the skeleton; although even a quarter-kav of bones will transmit tumah, a nazir is obligated to shave only if there is half a kav*), and for half a *log* of blood (*although even a quarter-log of blood will transmit tumah, a nazir is obligated to shave only if there is half a log*); (*the nazir will be required to shave*) whether by contact with them, or by carrying, or by *tumas ohel* (*if the tumah source and a person or object is under the same roof*). And for a bone the size of a

barley grain, the *nazir* will be required to shave if he touches it or carries it (*but not through tumas ohel*). For these the *nazir* shaves, and he undergoes sprinkling (*water mixed with ashes from the red heifer*) on the third and on the seventh day, and he forfeits the previous days, and does not begin counting again until he becomes *tahor* and brings his *korbanos*. (49b1 – 49b2)

Novelty of the “Corpse” Case

The *Gemora* cites a *Baraisa*: After the death of Rabbi Meir, Rabbi Yehudah said to his disciples: Do not allow the disciples of Rabbi Meir to enter here, for they are critics and do not come to learn Torah, but come to overwhelm me and humiliate me with their questions. Sumchus (*a student of Rabbi Meir*) forced his way through and entered. He said to them: Rabbi Meir taught me the *Mishnah* in the following manner: For which *tumos* does a *nazir* shave (*after seven days of his purification process and then he restarts his nezirus*)? He shaves for a corpse and for a *k'zayis* (*olive's volume*) from a corpse. Rabbi Yehudah became angry and said to them: Did I not tell you not to allow the disciples of Rabbi Meir to enter here, because they are critics? If he must shave for a *k'zayis* from a corpse, then certainly he must shave for the corpse itself (*so why would the Mishnah mention both cases; it must be a mistaken version*)!

Rabbi Yosi said: People will say, “Meir has died, Yehudah became angry and Yosi is silent! What is to become of the Torah?” And so Rabbi Yosi explained: It was necessary to mention the corpse only for the case of a corpse that does not have a *k'zayis* of flesh upon it (*it will transmit tumah since it is a complete corpse*).

The *Gemora* objects: But, if the *nazir* is required to shave for a single limb, then certainly, he would be required to shave for the complete skeleton!?

Rather, it must therefore be as Rabbi Yochanan explained: It was necessary to mention the corpse only for the case of an aborted fetus in which the limbs were not bound together by the sinews, and here too it refers to an aborted fetus in which the limbs are not bound together by the sinews (*and although a limb without its sinews cannot transmit tumah, the complete fetus can and the nazir will be required to shave*).

Rava offers an alternative explanation: It is necessary to mention the corpse only for the case where there is the greater part of the frame of a corpse (*the two legs and a thighbone*) or the majority of its bones, but they do not amount altogether to a quarter-kav of bones (*which normally would not transmit tumah at all, here, since they are the majority of the skeleton, the nazir will be required to shave*). (49b2 – 50a1)

INSIGHTS TO THE DAF

Kohen's Sanctity based upon his Service

The *Gemora* answers: Both words are necessary. For if the Torah would have only written *for his father* (*that the nazir may not become tamei to*), we would have thought that it is only the father that he cannot become *tamei to* for there is merely a presumption of paternity (*for perhaps his mother committed adultery*), but regarding his mother, whom we know gave birth to him, he could become *tamei to her* (*the Torah therefore has to write “his mother” to teach us that he cannot become tamei to her*). And if the Torah would have only written *for his mother* (*that the nazir may not become tamei to*), we would have thought that it is only the

mother that he cannot become *tamei* to for her children's lineage is not reckoned through her, but regarding his father, where the *halachah* is that family is determined by the father, he could become *tamei* to him (*the Torah therefore has to write "his father" to teach us that he cannot become tamei to him*).

The following question is asked: Why is the fact that we cannot prove for certain that the *Kohen Gadol's* father is truly his father grounds to suggest that the *Kohen Gadol* may not become *tamei* to his father? If his father is not his actual father, for that very reason he should be permitted to become *tamei* to him! If the deceased man (*a Kohen*) is not his father, the *Kohen Gadol* is in all probability a *Yisroel*! Why would we think that he cannot become *tamei* to him, for he might not be his father? That is precisely the reason why he should be able to become *tamei* to him!

The Rashba ask a similar question on the *Toras Kohanim* (*Parshas Emor*). The verse states that an ordinary *Kohen* is permitted to become *tamei* to his father and mother. The *Toras Kohanim* notes that had the verse said only that he may become *tamei* to his mother, we might have thought that he would be forbidden to become *tamei* to his father, because his father is only his father based upon a presumption. He asks that the possibility that the man is not his father should not be a reason to forbid him from becoming *tamei* to him. On the contrary, it is precisely the reason to permit him to become *tamei* to him, because if this man is not his father, he is not a *Kohen* altogether!

The Chasam Sofer (*based on Rishonim*) explains it as follows: We are dealing with a case where this man was presumed to be a *Kohen*. He performed the service in the Beis Hamikdosh for many years. When his father dies, if not for the fact that the Torah explicitly permits

him to become *tamei* to him, it would be forbidden. Even though on the chance that the deceased is not his father, he would be a *Yisroel*, he still would be forbidden to become *tamei* to him. This is because the verse states: *You shall sanctify him, for he offers up the food offering of your God*. Since he was allowed to perform the service in the Beis Hamikdosh (*based on the presumption that he is indeed a Kohen*), he is forbidden to contaminate himself with corpse *tumah*, even if he is a *Yisroel*. His sanctity comes about because of his service. This would be the explanation in our *Gemora* as well.

DAILY MASHAL

Nischuy Limb

Tosfos in *Sukkah* (25b) asks: According to the explanation that the bodies of Nadav and Avihu were burned, what does it mean that Mishael and Eltzafan became *tamei* to them?

The Afarkista d'aniya doesn't understand this question: Our *Gemora* states that a bone the size of a barley transmits *tumah*; accordingly, based upon the *Medrash* that there is a bone in a person's body that fire cannot burn, it was that bone that caused the *tumah*!?

He answers based upon the words of the *Mishnah Berurah* (300:20): There is a limb in a person's body called *Nischuy*. This limb remains alive in the grave until the time of Resurrection – even after all the other bones have rotted. This limb does not derive any pleasure from the consumption of food except from the *Melavah Malkah* meal (feast eaten on *Motzei Shabbos*). Accordingly, it can be understood, for this limb is not dead at all; on the contrary, it is the source of life, and no *tumah* can be associated with it.