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Nazir Daf 52

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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

Creature Missing a Limb

Rava inquires: What is the *halachah* regarding an ant that is missing a limb (i.e. it is missing a leg, but it is still able to live)? [Tosfos understands this as a question concerning the prohibition of eating a creature (*biryah*), which is less than a *k’zayis*. The Rosh learns that this inquiry is with respect to the *halachos* of *tumah*.] Was the *halachah* of a “creature” taught as a measurement, and when it is missing a limb, it is deficient (and therefore one who eats it would not be punished)? Or was the *halachah* taught that it must be a creature, and it still is (for although it’s missing its legs, it nevertheless can still survive as a creature)?

Rav Yehudah from Diskarta said: This can be resolved from a *Baraisa* that asks a contradiction between two teachings. We learned with respect to *sheratzim* (the Torah enumerates eight creeping creatures whose carcasses transmit *tumah* through contact) that one can become *tamei* from even a part of a *sheretz*, and a different teaching taught us that a minute part of a *sheretz* cannot transmit *tumah*! The *Baraisa* reconciles these two teachings by stating that a person cannot become *tamei* unless he touches a part of a *sheretz* equivalent to a whole one, and the Sages evaluated this to be the size of a lentil, since the *chomet* (one of the *sheratzim* listed in the Torah; a lizard or a snail) at its first formation is of the size of a lentil. We see from

here that the *halachah* of a “creature” was taught as a measurement (for if a creature minus its legs would also be regarded as a creature, the measurement should be less than a lentil, for a *chomet* without its legs is less than a lentil; therefore, he will not be liable for eating an ant missing its limbs).

Rav Shemayah deflects the proof: The reason we require a particular size, so that if it is not the size of a lentil, it cannot transmit *tumah* because it cannot be born alive; however, once something has life in it, it may be that it is not required to be complete (as long as it can survive, it is regarded as a creature). The *Gemora* leaves this inquiry unresolved. (51b2 – 52a1)

Spinal Column and Skull

The *Mishnah* had stated: For these *tumos* the *nazir* shaves: For the spinal column and for the skull. The *Gemora* inquires: Are both the spinal column and the skull necessary in order to transmit *tumah*, or does the *Mishnah* mean that either the spinal column or the skull can transmit *tumah*?

Rava replied: Come and hear: A backbone that has been stripped of most of its ribs is *tahor*,¹ but if it is in the grave, even though it is broken in pieces or separated [into parts], it is *tamei*, because of the grave.² Now the reason [that the backbone is *tahor*] is

¹ I.e., it does not defile through *tumas ohel*.

² Which joins the pieces together.

that it has been stripped, but if it were not stripped, it would be *tamei*,³ and so may we [not] infer from this that the correct reading is, either the backbone or the skull? — Does it say: But if etc.? What we are told is that when [the backbone is] stripped, it is *tahor*;⁴ but the other case⁵ still remains doubtful. (52a1 – 52a2)

The *Gemora* attempts to resolve this inquiry from the following *Baraisa*: Rabbi Yehudah said: Six things were declared *tamei* by Rabbi Akiva, and the *Chachamim* ruled *tahor*, and Rabbi Akiva retracted his opinion. There was once an incident that they brought a basket full of bones into the Synagogue of the coppersmiths and placed in the open air (*under an opening in the roof, so the people entering would not become tamei*). Then Todos, the physician, together with all the physicians, entered (*to determine if these bones were indeed from the skull and the spinal column, and to verify if they are from one corpse or two*), and declared that there was no spinal column from a single corpse there (*and therefore, it could not transmit tumah*). It was inferred that the reason that it was declared *tahor* is because there was no spinal column from a single corpse, but had there been either a spinal column or a skull from a single corpse; a *nazir* would have been required to shave because of it. It follows that we read in our *Mishnah*, either the spinal column or the skull!

The *Gemora* deflects the proof: This is what the physicians were saying: Not only was there no spinal column and skull from a single corpse, but there was not even the spinal column of a single corpse or the skull of a single corpse.

The *Gemora* attempts to resolve the inquiry from a *Baraisa* which enumerates the six things that the *Tannaim* were arguing about: What are the six things that were declared *tamei* by Rabbi Akiva, and the *Chachamim* ruled *tahor*? A limb (*that was rebuilt*) from two corpses, and a limb (*that was rebuilt*) from bones that were severed from two living men, and a half-*kav* of bones taken from two corpses, a quarter-*log* of blood taken from two corpses, a bone the size of barley that broke into two parts, and the spinal column and the skull. Now, if you would think that either the spinal column or the skull (*by themselves*) is capable of transmitting *tumah*, there are seven cases listed (*not six*)!

The *Gemora* deflects the proof: When the number six was mentioned, it referred to all those things where the majority argued with him, but it excluded the case of a bone the size of barley (*that broke into two parts*), since it is an individual who argued with him, for we have learned in the following *Baraisa*: If a bone the size of barley broke into two parts, Rabbi Akiva declares it *tamei* and Rabbi Yochanan ben Nuri holds that it is *tahor*.

Alternatively, you can answer that the *Baraisa* only mentioned the case of a limb (*that was rebuilt*) from two corpses (*but not the case of a limb that was rebuilt from bones that were severed from two living men, for it is included in the corpse case*).

Alternatively, you can answer that the *Baraisa* only mentioned cases where the *nazir* will shave even when he contracted the *tumah* through *tumas ohel*. This would exclude the case of a bone the size of barley,

³ Though the backbone alone is mentioned in the *Baraisa*.

⁴ Perhaps even when the skull is there too.

⁵ Stripped and the skull removed.

where he would not (*shave for tumas ohel; only if he touched the tumah or carried it*).

Alternatively, you can answer that the *Baraisa* only mentioned cases where Rabbi Akiva retracted his opinion. This would exclude the case of a quarter-log of blood (*taken from two corpses*), where he did not retract. For Rebbe told Bar Kappara: Do not include the case of a quarter-log for Rabbi Akiva continued to teach this *halachah* (*that it is tamei*). And furthermore, the verse seemingly backs up that opinion, for the verse is written in a plural form (*indicating that a revi'is of blood from two corpses will be tamei*).

Rabbi Shimon said: All his life, Rabbi Akiva declared a quarter-log of blood taken from two corpses *tamei*. Whether he retracted after his death, I do not know. A Tanna taught that Rabbi Shimon's teeth grew black because of his fasts (*for not speaking about Rabbi Akiva, his teacher with the proper respect*). (52a2 – 52b1)

The *Gemora* attempts again to resolve the inquiry from the following *Baraisa*: Beis Shammai said that a quarter-kav of bones, whether they come from many limbs, whether they are from two or three limbs, are sufficient to cause *tumas ohel* (*but not if they come from one limb*). And Beis Hillel said: It is only if the quarter-kav of bones comes from the majority of the body, either from those bones which form the greater part of the frame of a corpse (*the two legs and a thighbone*) or the majority of its bones.

Rabbi Yehoshua comments: I can make the statements of Beis Shammai and Beis Hillel one (*that they do not argue*). For when Beis Shammai said “from two or three limbs,” they meant either from two shinbones and one thighbone, or from two thighbones and one

shinbone, since these bones compose the major part of a man's structure in height. And when Beis Hillel said “from the majority of the body,” he was referring to the majority of the frame of a corpse (*either from two shinbones and one thighbone, or from two thighbones and one shinbone*), or the majority of its bones, since the majority can be found in the joints of the hands and feet (*even without the shinbones and the thighbones*).

The *Baraisa* continues: Shammai said: Even a single bone, from the spinal column or from the skull will transmit *tumah* (*through roof association*). (*It would seem from this Baraisa that the Chachamim would agree to Beis Shammai that the spinal column (by itself) or the skull (by itself) would be able to transmit tumah; they are only arguing as to how much of the bone is required.*)

The *Gemora* deflects this proof by saying that Shammai is different, as he takes a more stringent view.

The *Gemora* asks: But let us resolve from there that it is only Shammai who is strict, but the *Chachamim* would maintain that the bones will not transmit *tumah* unless they are from the spinal column and the skull!

The *Gemora* answers: Do not infer like that! The *Chachamim* dispute Shammai only with respect to one bone that comes from the spinal column and the skull (and they maintain that it cannot transmit *tumah* unless it is complete); however, with respect to a spinal column or a skull that are completely intact, even one of them would be sufficient to transmit *tumah*. (52b1 – 52b3)

INSIGHTS TO THE DAF

Half and Half

The *Gemora* cited a *Baraisa* with respect to a case where there was a quarter-*log* of blood taken from two corpses. Rabbi Akiva declared that it was *tamei* and the *Chachamim* disagreed.

Tosfos asks: Why should the *Chachamim* disagree? We learned elsewhere that whenever there are two items that are *tamei* and the level of *tumah* is identical and the measurements are the same, the two items can combine with one another to form the minimal required amount. Accordingly, half of a *revi'is* from one corpse and half from another should combine to a *revi'is*!

They answer that our *Gemora* is referring to a case where the *revi'is* came from two stillborn babies, where even initially they did not have a *revi'is* of blood. However, in a regular case, the *Chachamim* would agree that the two could combine together to form the minimum measurement.

DAILY MASHAL

Teshuvah

The *Gemora* discusses corpses and death. We have just concluded the month of Tishrei. A small note regarding *teshuvah*:

The Rambam in *Hilchos Teshuvah* (2:1) rules that the highest form of repentance is when a sinner is presented with the exact same sin and he does not transgress it again due to *teshuvah*, and not because he is afraid someone will see or because he lacks the

strength to sin. Although when a person does *teshuvah* in his later years, it is clear that his desire to do *teshuvah* stems more from a lack of strength to sin than sincere repentance, nevertheless, his *teshuvah* is still accepted. Furthermore, even a sinner that repents on his last day of life, all his previous sins are forgiven.

The Rambam explains what *teshuvah* entails. There are three steps which are vital for the sinner to do in order to have done *teshuvah* properly.

- 1) **Letting go of the sin:** The sinner must make a firm commitment never to repeat this sin.
- 2) **Remorse:** The sinner must feel sincere remorse that he has sinned.
- 3) **Viduy:** The sinner must explicitly say that he has sinned, and elaborate as to which sin he committed.

In addition to the above, it is also proper for the ex-sinner to cry out to Hashem, give *tzedakah*, and to exceedingly distance himself from the sin he had committed. Also it is commended to publicize his sins that are *bein adam l'chaveiro* and his subsequent repentance. The logic being so that the fellow whom he sinned against should forgive him (*Kesef Mishnah*).