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Nazir Daf 54

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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

Who is the Author of the Mishna?

Limb and Bone

The *Gemora* asks: What is the case of a limb of a corpse (mentioned in the *braisa* that causes impurity)? If it is talking about a limb that contains a barley-grain of bone as well, then this case is the same as that if one touched a barley-grain of bone (which is also mentioned in the *braisa*, making the case of a limb redundant)!

The *Gemora* answers: It must be that the case is where it does not have a barley-grain of bone, and even so the Torah included it in causing impurity! [This therefore proves Reish Lakish’s contention (53b) that a limb without a barley-grain of bone still causes impurity!]

The *Gemora* rejects this proof, and defends the opinion of Rabbi Yochanan. It is possible that the *braisa* does maintain a barley-grain of bone is needed. The separate case of a limb teaches us that not only does a barley-grain of bone cause impurity through touching; it also causes impurity to those who carry it (even if he is not directly touching it). (54a)

The *Mishna* had stated: 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*.

The *Gemora* inquires: When our *Mishna* discusses becoming pure on the seventh day and counting again, does it refer to the seventh day as he is waiting for sundown, and he may start counting the seventh day towards his new count of *nezirus*? This would be following the opinion of Rabbi Eliezer (who holds that a *nazir* may begin his new count on the seventh day after he has been sprinkled, and immersed and shaved). Or does it mean that on the eighth day he can start counting towards his new *nezirus*. When it says, “he waits until he becomes pure,” it means until he is able to bring his *korbanos*, which is on the eighth day. This represents the opinion of the *Chachamim*. (*Tosfos* notes that it would appear from this *Gemora* that they did not have our version of the *Mishna*, which specifically states that he must wait until he brings the *korbanos*.)

The *Gemora* attempts to deduce this from the second part of this *Mishna* (54b). The *Mishna* says

that in the other cases (*where he is not obligated to shave his head*), “he can start to count right away.” This implies that in our *Mishna*, which did not use this “immediate” terminology, is taking the position of the *Chachamim* that he must wait to count the new days until he brings his *korbanos* on the eighth day. [*The Gemora is satisfied with this proof.*] (54a)

Mishna

However, trees or rocks that cover a dead person, an area where a grave was plowed over, land outside of Eretz Yisroel, tombstones and their supports (*according to Tosfos*), a *revi'is* of blood, a quarter-*kav* of bones that cause impurity as they are under some sort of roof (*causing the area underneath that item to emit impurity through the law of “tumas ohel”*), vessels touching the dead, the days that a *metzora* is counting or the days that he is closeted (*if a nazir becomes a metzora and is confirmed by the kohen*), all of the above do not obligate a *nazir* to shave (*and bring korbanos*). He must be sprinkled on the third and seventh day (*from becoming impure in the cases above where this is required*), but he does not have to redo the days that he had already observed of his *nezirus*. He can start counting right away (*towards his nezirus*), and does not have to bring a *korban*. They recorded in truth (*the law in fact is*): Days of a *zav* (*man who sees emissions making him impure*), a *zavah* (*same, but for a woman*), and one who is closeted as a *metzora* count towards his *nezirus*. (54a – 54b)

Canopies and Protrusions

The *Gemora* says: “*Sechachos*” are trees that cover over the ground, and “*Pera’os*” are rocks sticking out of a fence [Both do not have the classic law of enabling *tumas ohel*, though they are considered an *ohel* to some extent. Under these trees or rocks, there is a source of *tumah*, but the exact branch is unknown. Such a branch would contaminate him by ‘overshadowing,’ and the person becomes *tamei* because of the doubt that has arisen. He is not obligated to shave and restart his *nezirus*.] (54b)

Land of the Nations

The *Gemora* asks: When the Rabbis instituted that areas outside of *Eretz Yisroel* are considered to impart impurity, did they mean that even someone in the air outside of *Eretz Yisroel* is considered impure, or only someone walking on the ground? [*One difference would be if someone were carried in a large box outside of Eretz Yisroel, would he receive this impurity (see Tosfos).*]

The *Gemora* attempts to prove this from our *Mishna*. The *Mishna* states: And he is sprinkled on the third and seventh day. If the air itself transmits impurity, why would someone need to be sprinkled? [*If there was no chance of impurity other than their decree, why would they need to be sprinkled? The tumah decree has nothing to do with corpse tumah!*] It must therefore be that it is because of the ground (*and the possibility that one walked through an area where the graves are not marked*).

The *Gemora* answers: This is not a proof. They decreed the impurity because of the air. When the *Mishna* requires sprinkling, it is doing so for the other cases in the *Mishna* where sprinkling is indeed required.

The *Gemora* adds that this is an understandable explanation, as the *Mishna* also states a case regarding a *nazir* who touched vessels that touched a dead person. Do these vessels make one who touches them need to be sprinkled? (*The person would only be tamei for one day; he obviously does not need to be sprinkled.*) It must be that the *Mishna* only stated the sprinkling regarding cases listed in the *Mishna* where sprinkling was required. (54b)

INSIGHTS TO THE DAF

Mummies and Kohanim Entering the Land of the Nations

By: Reb Avi Lebovitz (*Heoros al Hadaf*)

The Mishna L'melech (Avel 3:1) has a *teshuva* where he discusses *Kohanim* going into the mummy business. He begins by saying that although they may consist of very dry bones, they will still transmit *tumah*. However, his reason to be lenient is based on the opinion of the Yerai'im that we follow the opinion of Rabbi Shimon bar Yochai that aside from idolaters not transmitting *tumah* through roof association, they also do not transmit *tumah* via "touching." (Tosafos 54a clearly rejects this and says that even according to Rabbi Shimon bar Yochai, they will transmit *tumah* via "touching.") Based on the combination of the Yerai'im, and the Ra'avad who

says that any *Kohen* who is already *tamei* (even after he separates from the corpse) has no prohibition of becoming *tamei* again, the Mishna L'melech creates a *s'fek sfeika* (double doubt) to be lenient, but eventually rejects it, since it is clear from the many places, including our *Tosfos*, in the name of Rabbeinu Chaim Cohen that a *Kohen* cannot make himself *tamei* even if he is already a *tamei meis*.

The issue that is related to our *Gemora* is that the *Gemora* in Avoda Zara (13a) says that a *Kohen* cannot enter into the Land of the Nations except for a *mitzvah* because of the decree of *tumah* on the Land of the Nations. The Rambam in Hilchos Ohalos (2:3) seems to understand that the concern of the Land of the Nations is because of the fetuses of idolaters that are buried there. This would clearly indicate that there is at least a prohibition of touching and carrying for *Kohanim* even related to the corpses of idolaters. However, the Mishna L'melech rejects this proof based on *Tosfos*, who says that the decree of *tumah* on the Land of the Nations is due to "the many Jews that were killed outside of *Eretz Yisroel*," not because of the idolaters.

Practically speaking, what happened to the prohibition for a *Kohen* to go from *Eretz Yisroel* to the Land of the Nations (*other than for mitzvah purposes*)? The Shulchan Aruch (369) rules that a *Kohen* cannot go into the Land of the Nations, but the Shach (3) writes that it only applies when *Eretz Yisroel* is presumed to be in a state of *taharah*, but nowadays, this does not apply. This opinion is also quoted in the b'er hagola from the maharshal. The Shevus Yakov (*brought in pischei teshuva*) argues and claims that it applies even nowadays. Reb Akiva Eiger

justifies the custom to be lenient about this, either because “sustaining one’s family” is a significant enough of a *mitzvah* (*but this would not justify those who travel to chutz la'aretz for vacation*) or because we are all *tamei meisim*. The second rationale seems to be either based on the opinion of the Ra’avad that the prohibition of *tumas meis* in general only applies when the *Kohen* is *tahor*, and although we are not lenient for a Biblical *tumah*, we rely on the Ra'avad for the Land of the Nations, which is only Rabbinical. But more likely he means to say that the entire decree of the Land of the Nations is in order to maintain the *taharah* of the *Kohen*, and it would not apply when the *Kohen* is a *tamei meis*.

The Beis Yisroel suggests an alternative explanation. The sanctity of a *Kohen* emanates from heaven, and there is no concern that by becoming *tamei* to his relatives that he will tarnish that *kedushah*. However, a *nazir*, where his sanctity was self-imposed, the Torah was concerned that contaminating himself in any manner, even to his relatives, could blemish his *kedushah*.

DAILY MASHAL

Kedushah

The halachic distinction between a *nazir* and a *Kohen* is noteworthy. A *nazir* is forbidden to become *tamei* to anyone, including his close relatives, whereas a *Kohen* is permitted. Why is that?

The following explanation is brought in the name of the Avnei Neizer: The sanctity of a *Kohen* emanates from his ancestors. It is fitting therefore that he should be allowed to contaminate himself by involving himself in the burial of his close relatives, for it was them (his father) that brought about his *kedushah*. The *kedushah* of a *nazir*, on the other hand, he imposed upon himself, and it does not create any type of bond between him and his relatives.