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Nazir Daf 61

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Daf Notes is currently being dedicated to the neshamot of

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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

The Four Haircuts

Rami bar Chama inquired: Is the reason that these four haircuts are done because of the *mitzvah* of shaving, or are some just done to take away the hair (*see insight below for further explanation*)? The difference between these two reasons is whether or not they can be done with a depilatory. If they have the same laws as shaving when it is a *mitzvah*, it must be done with a razor. If it is just a matter of removing the hair, it can be done with a depilatory. What is the law?

Rava answered this question from the *Mishnah*. The *Mishnah* states: And he shaves four shavings. If it would just be to remove the hair, three shavings should be enough! It must therefore be that this is done as a shaving of a *mitzvah*. This is indeed a proof. (61a1)

WE SHALL RETURN TO YOU, SHENEI NEZIRIM

Mishnah

Cutheans (*converts to Judaism after an outbreak of wild animals in Eretz Yisroel and their conversion was debated as to its validity; they observed some commandments, but not others*) cannot become *nezirim* (*at least in regards to their bringing a korban nezirus*). Women and slaves (*referring to a non-Jewish slave owned by a Jew*) can become *nezirim*. Women are more stringent than slaves, as a man can force his slave

to go against his vow of *nezirus*, but he cannot force his wife to do so. (61a2)

Idolaters, Slaves, and Nezirus

The *Mishnah* had stated: Cutheans cannot become *nezirim*. The *Gemora* asks: How do we know that Cutheans cannot become *nezirim*? The *Baraisa* states: “Speak to Bnei Yisroel,” implying that idolaters cannot become *nezirim*. “And you should say to them,” includes slaves (*that they can be nezirim*).

The *Gemora* asks: Why is this teaching necessary? We know that any *mitzvah* that applies to a woman applies to a slave as well!

Rava answers: This is different, as the verse states: “To forbid something upon his soul.” This implies someone who owns himself (*he can forbid things upon himself*). This excludes a slave, who cannot make vows as he does not own himself. One might therefore think that he cannot become a *nazir* either. The verse therefore specifically includes slaves.

The *Baraisa* states: “Speak to Bnei Yisroel,” implying that idolaters cannot become *nezirim*. Does this mean that wherever the verse states that something was said to Bnei Yisroel, it excludes idolaters? Regarding evaluation (*where someone pledges the value of another person to hekdes*), the verse states, “Speak to Bnei Yisroel.” The *Baraisa* states: (*This implies*) Bnei



Yisroel can make such pledges, while idolaters cannot. One might think that idolaters, therefore, cannot even be the subject of the pledge. The verse therefore states, "Man" (*implying any man*).

The *Gemora* answers: *Nazir* is different, as the verse says, "He should not become impure to his father or mother." This implies that only someone who is considered to have a father can be a *nazir*, as opposed to someone who is not considered to have a father.

The *Gemora* asks: Regarding what topic is an idolater considered not to have a father? If you will suggest it is regarding inheritance, (*this is incorrect*) Rabbi Chiya bar Avin said in the name of Rabbi Yochanan that an idolater inherits his father according to Torah law! This is apparent from the verse, "For an inheritance to Eisav I gave Mount Sai'ir."

The *Gemora* answers: Rather, it must be referring to someone who is commanded to honor his father.

The *Gemora* asks: [*Why is this such an important factor?*] Does the verse mention honoring one's father by *nazir*?

The *Gemora* answers: The verse says, "To his father and mother he will not become impure," this implies that a *nazir* is someone who can become impure. This excludes an idolater who does not have a status of being impure.

The *Gemora* asks: How do we know that they cannot become impure?

The *Gemora* answers: The verse says, "And a man who will become impure and he will not be cleansed and that soul will be cut off from the nation." This implies

that only someone who is part of the nation can become impure.

The *Gemora* asks: How is this proof that he does not become impure? Perhaps he does not become cut off, but he indeed becomes impure!

The *Gemora* answers: The verse states, "And the pure will sprinkle on the impure." This implies that whoever has purity has impurity, and whoever does not have purity does not have impurity.

The *Gemora* asks: Perhaps he does not have purity, but he does have impurity?

The *Gemora* answers: The verse says, "And a man who is impure and will not become cleansed." [*This implies that a man who can become impure must have the option of becoming pure.*]

Rav Acha bar Yaakov says: *Nazir* is different, as the verse says, "And you should bequeath them to your sons after you." This implies that whoever has inheritance has impurity, and whoever does not have inheritance does not have impurity.

The *Gemora* asks: If so, this is a reason why a slave should not be a *nazir* (*as he does not bequeath anything to his children, as everything he owns is essentially owned by his master*)!

Rava therefore answers: Regarding evaluations, the verse states, "Speak to Bnei Yisroel." The *Baraisa* states: (*This implies*) Bnei Yisroel can make such pledges while idolaters cannot. One might think that idolaters, therefore, cannot even be the subject of the pledge. The verse therefore states, "Man" (*implying any man*). Regarding *nazir*, we similar state that "Bnei

Yisroel” implies that only Jews can be *nezirim* who bring *korbanos*; not idolaters. One might think this means that they cannot be *nezirim* at all. The Torah therefore states, “Man,” implying that they can be a *nazir*. (Accordingly, they would be included in the *nazir’s* prohibitions; just not the *korban*. The *Gemora* proceeds to demonstrate that this cannot be the case.) If this teaching is merely that idolaters cannot bring a *korban nezirus*, this is derived from a different source. The verse states, “For an *olah*.” This teaches us that idolaters cannot bring an *olah* of *nezirus*. These are the words of Rabbi Yosi ha’Glili.

Perhaps the teaching should be as follows: People from Bnei Yisroel can become permanent *nezirim*, but not an idolater. One might think that they cannot be a *nazir* at all. The verse therefore states, “Man.”

Rabbi Yochanan answers: The verses cannot be expounded in that manner, for the Torah does not discuss the case of a permanent *nazir* at all.

Perhaps the teaching should be as follows: People from Bnei Yisroel can impose *nezirus* on their sons, but not an idolater. One might think that they cannot be a *nazir* at all. The verse therefore states, “Man.”

The *Gemora* answers: But Rabbi Yochanan said: This is a law Moshe received from Har Sinai regarding *nazir* (that was passed down orally but not written in the Torah; the verse cannot be excluding a halachah learned orally at Har Sinai)!

Perhaps the teaching should be as follows: People from Bnei Yisroel can bring the *korbanos* using their father’s designated money (if the father designated money for his *korbanos* and died, the son, under certain conditions, can use the money for his *korbanos*), but not

an idolater. One might think that they cannot be a *nazir* at all. The verse therefore states, “Man.”

The *Gemora* answers: But Rabbi Yochanan said: This is a law Moshe received from Har Sinai regarding *nazir* (that was passed down orally but not written in the Torah; the verse cannot be excluding a halachah learned orally at Har Sinai)! (61a2 – 62a1)

INSIGHTS TO THE DAF

Rami bar Chama’s Inquiry

Rami bar Chama inquired: Is the reason that these four shavings are done because of the *mitzvah* of shaving, or is the purpose merely to remove the hair? The difference between these two reasons is whether or not they can be done with a depilatory. If they have the same laws as shaving when it is a *mitzvah*, it must be done with a razor. If it is just a matter of removing the hair, it can be done with a cream. What is the law?

Rami bar Chama’s question cannot be with respect to all the shavings, for a *metzora* and a *nazir tahor* are definitely required to shave with a razor. His inquiry can only be relevant to a *nazir tamei*.

Furthermore, Tosfos explains, he cannot be discussing the precise case of the *Baraisa*, for there, all four shavings must be done with a razor, since we are uncertain which of the four shavings is for the *nazir tamei*. He must be referring to a case where it was definitely known that the *nazir* was *tamei*. In truth, Rami bar Chama could have inquired simply: Does the shaving of a *nazir tamei* require a razor or not!

The *Gemora* brings a proof from the *Baraisa* which explicitly states that four shavings are required. Tosfos

explains: Since in the *Baraisa's* case, he would not be permitted to drink wine until after the fourth shaving; if a razor would not be necessary for the shaving of a *nazir tamei*, we would not have required a razor for the third shaving out of the concern that he might be concluding his *nezirus* with this shaving.

Depilatory

The Rambam rules that a *nazir* who shaves will receive lashes, whether he used a razor, and even if a different type of implement was used. However, if he used a depilatory, he will not incur lashes; rather, he will have negated the *nazir's* positive commandment of growing his hair.

The Brisker Rav notes that it is evident from the Rambam that using a depilatory does not constitute a shaving at all! Accordingly, Rami bar Chama's inquiry regarding a *nazir tamei* is not merely if a razor is required for his shaving; rather, his inquiry is if a *nazir tamei* has an obligation to shave! Perhaps, it is not necessary for him to shave at all; as long as his hair is removed, that is sufficient.

Based on this understanding, we can understand Rava's proof from the *Baraisa* which states that a *nazir*, who might be *tamei*, is obligated to "shave" four times. The *Gemora* had stated earlier that he must shave four times, and not less, because one shaving cannot count for the other. This would only be understandable if a *nazir tamei* has an obligation to shave. However, if the *halacha* merely is that the hair of a *nazir tamei* must be removed, and this can even be done by means of a depilatory, which does not constitute a shaving at all, it would not be necessary to require a special shaving for the *nazir tamei*. When he shaves his hair for the *tzaraas*, it should automatically be valid for his

"removal of hair," needed for a *nazir tamei*. By the fact that the *Baraisa* rules that four shavings are required and not one of them can count for the other, this proves that a *nazir tamei* also has a *mitzvah* of shaving, and therefore, a depilatory may not be used.

DAILY MASHAL

Growing a Beard

The Kapischnitzer Rebbe zt'l was one of the most widely respected and beloved Torah leaders of our times. With the outbreak of the First World War in 1914, the Rebbe fled with his family to Vienna. When Jewish life was shattered by the German occupation of Vienna, the Rebbe was seized and forced to clean the streets to the amusement of the jeering Germans. On one occasion in an attempt to humiliate the Rebbe, the Germans sent one of their officers with a scissors to cut off his beard. The Rebbe promptly stuck out his hand and told the officer, "Rather cut off my fingers, but don't touch my beard." The German, startled by the Rebbe's courage, miraculously left without carrying out his evil orders.