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Nazir Daf 63

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### **Mishnah**

If a *nazir* shaved (after he offered his concluding *korbanos*), and it became known to him that he was *tamei*: If he became *tamei* from a *tumah* that was known (someone could have known about this *tumah*), he forfeits his days of *nezirus* (and he must start again after purifying himself). And if he became *tamei* from “*tumas tehom*” (a *tumah of the deep*; a *tumah source, that in all likelihood, nobody knew about it*), he does not forfeit his days of *nezirus*. If he had become *tamei* before he shaved, in either case, he forfeits his days of *nezirus*.

How so? If the *nazir* (who became *tamei* from a *sheretz*) descended into a cave to immerse himself and a corpse was found floating at the mouth of the cave (but we are uncertain if it was there at the same time as the *nazir*), he is *tamei* (since the cave was in a private domain, we rule stringently; this is not a case of *tumas tehom*, for the floating corpse is visible to all). If the corpse was found sunk in the floor of the cave (where in all likelihood, nobody ever knew about it), then if he went down to cool himself, he is *tahor*, but if he immersed in order to purify himself from corpse *tumah*, he is *tamei*, for one who is *tamei* is presumed to remain *tamei*, and one who is *tahor* is presumed to remain *tahor*, for there is a basis for the matter (based on the logic that the *halachah* stating that the *tumah of the deep* does not render the *nazir tamei* refers only to a *nazir* who was *tahor*, and not when he was previously *tamei*). (63a1)

### **Source for “Tumah of the Deep”**

The *Gemora* asks: From where is it known (that a *nazir, who has shaved and then found out that he was tamei from tumas tehom, that he does not forfeit his nezirus*)? Rabbi Elozar said: It is written: *If someone beside him dies unexpectedly or suddenly (he will forfeit his nezirus)*. The term “beside him” implies that the *tumah* was clear to him (but in a case where the *tumah* was unknown, he will not forfeit his *nezirus*).

Rish Lakish said: It is written: *Any person who becomes tamei from the dead, or is on a distant road (on the fourteenth of Nissan, he offers another one on the second Pesach)*. The “*tumah*” mentioned here must be like a road. Just like a road is in the open, so too, the *tumah* must be in the open (this excludes the case where after he offered the *korban pesach*, he realized that he was *tamei* from *tumas tehom*; he does need to bring another *korban* on the Second *Pesach*).

The *Gemora* asks from a *Baraisa*: What is *tumas tehom*? Any *tumah* that no one is aware of; even someone at the end of the earth. However, if someone at the end of the earth knew about it, it is not a case of *tumas tehom*. According to Rish Lakish, who derives it from the comparison to a road, it is fine (because if someone knows about it, it is compared to a road). However, according to the one that says that the *tumah* must be clear to him (otherwise, it is classified as *tumas tehom*), why does it matter if someone at the end of the earth knows about it

(as long as he doesn't, it should be considered *tumas tehom*)?

And furthermore, the *Gemora* asks from the following *Baraisa*: If a man finds a (*buried*) corpse lying across the road (*and we are uncertain if he overshadowed it or not*), he becomes *tamei* in respect of *terumah*, but in regards to *nazir* or the performance of the *korban pesach*, he remains *tahor*. What should be the difference between these *halachos* (*if the principle of *tumas tehom* is derived from the aforementioned verses*)?

Rather, the *Gemora* concludes that the laws of "*tumah from the deep*" are a *halachah l'Moshe mi'Sinai*. (63a1 – 63a2)

#### **Forfeiture of Previous Days**

The *Mishnah* had stated: If he had become *tamei* before he shaved, in either case, he forfeits his days of *nezirus*.

The *Gemora* asks: Who is the *Tanna* that holds like this?

Rabbi Yochanan answers: It is Rabbi Eliezer, who holds that the shaving of the *nazir's* head is essential (*and he will not be released from his prohibitions without it; and accordingly, the halachah of *tumas tehom* is said only if he found out after his shaving*).

Rami bar Chama inquires (*according to Rabbi Eliezer, who holds that if he became *tamei* after he completed his *nezirus*, but before he offered his *korbanos*, he does not forfeit his *nezirus*, but rather, he must seven days to become *tahor* and then he brings his *korbanos**): What is the *halachah* if he became *tamei* within his term of *nezirus*, but he only found out after the thirty days (*but before he brought his *korbanos**)? Do we follow the time that he found out about the *tumah*, and that occurred after he completed his days of *nezirus*, or not (*we follow the time that he became *tamei**)? The ramifications would

be with respect to the forfeiture of his *nezirus* (*if we follow the time that he found out about the *tumah*, he doesn't forfeit his *nezirus*, but if we follow the time that he became *tamei*, he would forfeit his *nezirus**).

Rava said: Let us resolve this inquiry from our *Mishnah*: If he had become *tamei* before he shaved, in either case (*whether it was from a known *tumah*, or from an unknown one*), he forfeits his days of *nezirus*. If the *Mishnah* is referring to a case where he found out about the *tumah* during his term of *nezirus*, there is no novelty in this law. Rather, it must be that he found out about it after he completed his days of *nezirus* (*and nevertheless, the Mishnah rules that he forfeits his *nezirus**). This is a proof that he does forfeit his *nezirus* (*since we follow the time that he became *tamei**).

The *Gemora* asks: We still can inquire if he forfeits the entire *nezirus*, or perhaps, he forfeits only seven days. And according to the *Chachamim* (*who hold that even if he became *tamei* after he completed his *nezirus*, he forfeits his previous days*), it is obvious that he forfeits his entire *nezirus*. And according to Rabbi Eliezer, who maintains that after his term has been completed, he only forfeits seven days, perhaps that is only if he became *tamei* after his term has been completed, but in this case, he became *tamei* during the days of *nezirus* (*and therefore, he should forfeit his entire days*). Or perhaps, here it is different because he only found out about the *tumah* after his term has been completed (*and it should be regarded as if he became *tamei* then, and he would only forfeit seven days*), and from the fact that the *Mishnah* did not distinguish between a case where he became *tamei* during his *nezirus* term or afterwards, we can prove that he only forfeits seven days (*since the knowledge of the *tumah* came about after his *nezirus* was completed*). (63a2 – 63b1)

### ***“Tumah of the Deep”***

The *Gemora* cites a *Baraisa*: If a man finds a corpse lying across the road (*if the corpse would be lying lengthwise, since it is a public domain and we are uncertain if he overshadowed the corpse, he would be ruled to be tahor, even with respect of terumah; however, when it is lying across, he certainly overshadowed it*) he becomes *tamei* in respect of *terumah* (*he may not eat terumah*), but in regards to *nazir* or the performance of the *korban pesach*, he remains *tahor* (*for this is a case of tumas tehom and the halachah l’moshe mi’Sinai taught us that there are cases that the tumah does not nullify his nezirus, nor will he be obligated to offer another korban by the Second Pesach after he offered the first one*).

This *halachah* is true if there was no room for him to pass (*without actually walking over the corpse*), but if there was room for him to pass, he remains *tahor* even in respect of *terumah* (*since there is a genuine doubt in a public domain if he became tamei or not*).

And furthermore, this *halachah* is only true if he corpse was found whole, but if it was found with its limbs broken or dismembered, even though there was no room to pass, we consider that he may perhaps have passed between the pieces (*by walking irregularly, and not in a straight line; he is therefore tahor even with respect of terumah*). If, however, the corpse was in a grave, then, even if its limbs were broken or dismembered, he is ruled to be *tamei* because the grave unites it (*and walking over any part of the grave is as if he walked over the corpse*).

And furthermore, this *halachah* is only true with respect to one who was walking on foot, but if he was carrying a load or riding, he is ruled to be *tamei* because while it is possible for one walking on foot to avoid either touching the corpse, or not to move it, or not to overshadow it, but it is impossible for one carrying a load or riding to avoid either touching, moving or overshadowing it.

And furthermore, this *halachah* is only true with respect to a “*tumah of the deep*,” but if it was a known source of *tumah*, all three (*terumah, nazir and pesach*) are ruled to be *tamei*.

What is *tumas tehom*? Any *tumah* that no one is aware of; even someone at the end of the earth. However, if someone at the end of the earth knew about it, it is not a case of *tumas tehom*. If the corpse was hidden in straw or in pebbles, it is regarded as “*tumah of the deep*,” but if it was (*exposed*) in the sea, or by darkness or in a cleft of the boulders, this is not regarded as “*tumah of the deep*.”

And “*tumah of the deep*” was said only with respect to a corpse. (63b1 – 63b3)

### **DAILY MASHAL**

#### ***Time and a Place***

It is written: *ki yamus meis* – (literally) meaning: *when a dead person will die*. What is the explanation for those words? Shouldn’t the Torah have said: *If a person will die*?

The Sha”ch explains: If a nazir did not take his vow of nezirus for the sake of Heaven, but rather, he was afraid of his Evil Inclination that it should not seduce him, the Holy One, Blessed be He, arranges that he should find himself in a house together with someone whose destined to die, and he dies suddenly (causing the nazir to become *tamei*). This is why it is written: *when a dead person will die*, for he was already dead for several days, but he didn’t actually die until the time that he and the nazir were under the same roof. Our actions must be for the sake of Heaven, and there is always a calculation as to events that transpire.