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Nazir Daf 65

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Mishnah

[This Mishnah discusses cases where buried bodies were found, and there is a doubt whether this location is a graveyard, or whether these are isolated corpses, which were buried here by chance, with the intention of exhuming them after a few days, and transferring them to a cemetery. It was the practice to inspect the roads which were suspected of being tamei, and to cleanse them of their tumah on behalf of pilgrims ascending to the Beis HaMikdash, those offering the korban pesach, and those bearing food in a state of purity; if individual graves were found on the road, the question arose whether it was permitted to exhume the corpses.]

Indeed, the law is that a corpse acquires its place; therefore, if even a single grave is found there, and the grave is known, for the corpse had been buried there with permission, it is prohibited to exhume the corpse from there, but rather we mark the place, so that it will be noticeable to people passing by; if, however, the grave was found there by chance, and it was not known, the Mishnah teaches us that in such a case, exhumation is permitted.]

If one finds a corpse for the first time (in this location) lying in its usual manner, he may remove it and its tefusah (surrounding earth). [It is regarded as temporary, and therefore, it is permitted to move.] If a person found two, he may remove them and their tefusah. If he found three: if between this one (the first one) and that one (the third one), there is a separation from four to eight amos, then

this is a graveyard. [They cannot be moved, and the entire area is assumed to be tamei.] He must inspect from there outward twenty amos. If he found one at the end of twenty amos, he inspects from it outward twenty amos, for there is a basis for the matter. Although, if he found it initially (just this corpse), he may remove it and its tefusah. (64b3 – 65a1)

Finding the Dead

Rav Yehudah says: When the Mishnah says the body was “found,” it is excluding a grave that had been previously known. When it says, a “dead person,” it excludes someone who was killed. When it says, “lying,” it excludes someone who was sitting. When it says, “normally,” it excludes someone whose head was in between his thighs (see below for the reason behind these laws).

Ulla bar Chanina taught: A dead person who is missing a limb does not have “tefusah” (the law requiring earth where he is lying to be buried with him), nor does he count as one of the dead that make up a “shechunas kevaros” - - “burial neighborhood” (as discussed in our Mishnah).

The Gemora asks: What is the reason for all of the above laws? The Gemora answers: We suspect that such a body is the body of a gentile, not a Jew.

If we find two bodies, with the head of each at the feet of the other, they do not have the laws of tefusah or shechunas kevaros. If three bodies were found, but one was already known, or if four bodies were found and two

of them were known, there is no law of *tefusah* or *shechunas kavaros*. There was an incident where Rabbi Yesheivav found one body next to two known bodies, and wanted to proclaim that they should have the status of a *shechunas kavaros*. Rabbi Akiva told him: All of your efforts were for naught. A *shechunas kavaros* is only made up of three unknown graves or three known graves (*no mixtures*).

The *Gemora* asks: What is the case (*precedent*) of *tefusah*? Rav Yehudah says: The verse states, “And you will carry me from Egypt,” implying that you should take some earth with me from there.

How much earth is *tefusah*? Rabbi Elozar (*an Amora*) explained: Three finger lengths of earth from the ground under the dead person (*as that is the maximum depth that normally absorbs the liquids of the dead person*).

The *Gemora* asks on this from a *Baraisa*. How much earth is *tefusah*? Rabbi Elazar b’Rabbi Tzadok said: One takes the slivers (*from the broken casket*) and the pieces of earth, and throws away the things that are certainly not parts of the dead person and takes the things that might have been part of the dead person. Everything else that is certainly from the dead person can combine to cause impurity if it makes up the majority of the dead person (*either “rov minyan or “rov binyan”*), a quarter of a *kav* of bone, or a handful of rot (*see 50b*).

The *Gemora* answers: Rabbi Elozar shares the opinion of a different *Tanna* (*not Rabbi Elozar b’Rabbi Tzadok*). The *Baraisa* states: How much is the amount of *tefusah*? Rabbi Yochanan ben Zakkai says: Three finger-lengths of earth from the ground under the dead person. (65a1 – 65a2)

The *Mishnah* had stated: He must search from there etc.

Rava says: If someone checked (*within twenty amos as stated in the Mishnah*) and found a body which he

promptly removed, continued checking and found and removed another body, and proceeded to check and found a third body, he does not move the third body to where the first two are, nor vice versa.

Some say Rav said: Once it is permitted to move them, one can move the third body as well.

The *Gemora* asks: Why doesn’t the area have the law of *shechunas kavaros* (*as three unknown bodies were discovered there and at least the third should not be moved*)?

Rish Lakish answered: A line of reasoning was found (*as Rava stated above*) in order to purify Eretz Yisroel (*so the impurity should only be located in one area*).

The *Gemora* asks: If someone checked twenty *amos* from a *shechunas kavaros* in one direction and did not find any more graves, does he have to check in all directions, or not?

Rav Mesharshiya says: This area is a *shechunas kavaros* (*and the surrounding area is not presumed to be so after one direction was checked*).

The *Gemora* asks: Why should this be?

Rish Lakish answers: A line of reasoning was found to purify Eretz Yisroel. (65a2 – 65b1)

Mishnah

All doubtful cases of *tzaraas* (*biblical leprosy*) are pure, unless there is a status of impurity. Once there is clearly a status of impurity, even a doubt is ruled to be impure.

[*The Mishnah in Negaim (5:4) explains that if two people were enclosed with the suspicion that they might have tzaraas, and when the kohen comes to see them the next*

week he is not sure which of them is the one who is tahor (as he forgot how their tzaraas started out, which impacts one whether or not they become tamei), they are both ruled to be tahor. However, if they are after their second week of tumah (known as "muchlat") and then a doubt arises, they are ruled tamei.] (65b1 – 65b2)

Doubts of Purity

The Gemora asks: How do we know this? Rav Yehudah answers in the name of Rav: The verse says, "To make him pure or impure." Being that the Torah first states, "Pure," the implication is that he is assumed to be tahor unless he is known to be tamei.

The Gemora asks: If so, then even when there is a status of tumah present (after the second week) he should be ruled tahor, as he is only doubtfully tamei!

The Gemora answers: Rather, Rav Yehudah's statement in the name of Rav was regarding the following law. It was taught: If the tzaraas mark appeared before the white hair inside of it (the white hair is a sign that the mark is tzaraas), the mark is tamei. If the white hair preceded the mark, it is tahor. If we are not sure which was first, it is tamei. Rabbi Yehoshua says: It became darker. What does this mean? It became darker and it therefore is tahor.

The Gemora asks: Why not say it became darker and is therefore tamei?

The Gemora answers: Rav Yehudah answers in the name of Rav: The verse says, "To make him tahor or tamei." Being that the Torah first states, "Tahor," the implication is that he is assumed tahor unless known to be tamei. (65b2)

Mishnah

In seven ways a zav (man who sees emissions that obligate him to bring a korban and adhere to certain

Torah laws) is checked to ascertain that his emissions are those of a zav. These ways are: Food, drink, carrying things, jumping, sickness, fright, and with lewd thoughts. Once he has his third emission, we no longer check to see if these reasons caused the emission. Once he is known to have emissions, his accidental emission (even due to the above circumstances), doubtful emissions, and seed are deemed tamei (as that of a zav), as there is already cause to believe that it should have the status of the emission of a zav.

If someone hits his friend and as a result he is estimated to soon die, and he then gets better, but then takes a turn for the worse and dies, he is liable for killing him. Rabbi Nechemiah says: He is innocent, as there is reason to believe that he did not (directly) cause his death. (65b2 – 65b3)

Rules for the Third Time

The Gemora asks: How do we know that the emissions of a zav, from his third time onward, are considered to be tamei?

Rabbi Nassan answers: The verse says, "And the zav, his emission (for a man and a woman)." This implies that we compare the laws of a zav to those of a zavah. [A woman who sees emissions the third time is always considered to have the status of a zavah, no matter why the emissions occurred. Rabbi Nassan understands that the passuk is implying that after "zav," indicating the first time, and his "emission," indicating a second time, the law is equal "for a man and a woman."]

The Gemora asks on Rabbi Nassan from a Baraisa. Doesn't the Baraisa quote Rabbi Eliezer as saying that we check if there is reason for his emission the third time, just not the fourth time?

The Gemora answers: They argue regarding the word "Es" – "the." [The word "Es," according to Rabbi Eliezer, indicates a third time that must be checked, while Rabbi Nassan does not give significance to that word as signifying an extra time the person saw an emission.] (65b3 – 65b4)

that he is cured from his Tzara'as, he will revert to his old ways and that his pride will return. Therefore the Torah warns him not to make do with this inferior-type humility, but to humble himself still further, to reflect upon G-d's superiority and thereby to acquire a true humility that will last.

DAILY MASHAL

Double Humility

By: Rabbi Eliezer Chrysler

"And ... he shall take for the one who is becoming Tahor, a piece of cedar wood, a crimson thread and a twig of hyssop" (14:4).

Tzara'as comes as a result of haughtiness. How does one rectify it? By making oneself small like a worm (a play on the word "tola'as", which also means a worm) and a hyssop' (Rashi).

Seeing as we are talking here about a Metzora who has been cured, he must have already done Teshuvah and humbled himself before G-d, asks the Avnei Neizer, so why does the Torah suggest that he humiliates himself again?

However, he explains, there are two types of humility. True humility entails realizing one's own insignificance by reflecting upon G-d's greatness. But one can also attain humility through illness or poverty, which breaks a person and brings him down a peg or two. This latter type of humility is neither genuine, nor is it long-lasting, for in all likelihood, the moment the suffering departs, the humility departs with it, and one's conceit returns.

It is true that the Metzora suffered, and that this suffering humbled him, and brought him to Teshuvah. says the Avnei Nezer. However, there is a grave danger that now