

Tractate

17 Nazir

34a4 through 66b

אֲפִילוּ שָׂרָה פִּיתוֹ בֵּינָן וַיֵּשׁ בָּהּ כְּרִי לְצֶרֶף כְּזֵית

R Akiva says, “Even if a person (only) soaks his bread in wine and there is enough to add up to the volume of an olive,

he is liable for lashes for consuming it.”

Our Gemara states, “If this is considered drinking, which Bracha do we make if we eat bread soaked in wine”?

Which is the primary ingredient and which the secondary?

Ans: It is not always easy to say. Therefore, resolve all doubts by:

-Making a bracha on wine.

-Make ‘Hamotzie’ on the bread soaked with wine.

R Akiva says there are two new ideas in this phrase.

1. Wine, which is not permitted, combined with permitted food, i.e., bread, still is prohibited if it reaches the size of an olive in the combined state .
2. A liquids, that reach a volume of a quarter log (i.e. 1 ½ eggs), is usually considered the forbidden volume. Here we learn that the volume of an olive reaches that threshold.

כְּדֶרֶךְ שְׁפָרַט לָךְ בְּנֹזִיר,, מִחֶרְצָנִים וְעַד-זָג׃

In the way it specified for you (in the case of) Nazir, (by stating) ‘from the seeds to the skin’.

HaRav Shimshon Raphael Hirsch explains the root word for Nazir as ‘Nezer’ - to be “separate” – “aloof” – “encircled”.

Bamidbar 6:8 - A Nazir is Holy to HaShem.

Bamidbar 6:7 - Nezer – refers to a royal crown, which marks the King as being set apart and inaccessible.

The Nazir’s life style sets him apart from the people with whom he continues to live. He is drawing a ‘nezer’, “a separation” around himself in which only God is present.

Finally, when he gives up his vow as a Nazir, the Korban Olah signifies the elevation toward God in all of one’s endeavors.

Chatas - No sin has been committed and therefore, the chatas offering is merely a resolution that he will avoid sinning in the future.

Shalomim - A peace offering. All the community, Kohen and non-Kohen can eat from it, which brings our former Nazir back into the community.

וְנָתַתָּהּ הַבֶּסֶף בְּכֹל אֲשֶׁר-תֶּאֱוָה נַפְשְׁךָ׃

And you shall spend the (Maaser Sheni) money for anything that your heart desires.

When sending Mishloach Manos, must you use food or is it permissible to give money to people so they can buy what their heart's desire, just as you can with Maaser Sheni?

Maaser Sheni can be exchanged for coins to purchase food to eat in Jerusalem.

No, you cannot give money for Mishloach Manos, you must give food.

Why should the Rabbinic law of Mishloach Manos be more strict than the Torah law of Maaser Sheni?

אי הכי לענון חמץ גמי

If so, also in regard to chametz.

A Jew sold the chametz in his large grain store to a non-Jew for the week of Pesach. The non-Jew studied the contract and felt he could sell what he had bought at his discretion and did so. The Jew heard that the non-Jew was selling the grain from his store and took him to a local court.

“Your honor”, said the Jew, “I sold him my chametz only, grains that are leavened are chametz, the other grain is not chametz. As you know, even matzah is made from grain. He sold my grain, which was never sold to him. He only had the right to sell the leavened grain, if that!” The judge made the non-Jewish person pay for all the losses.

„יקדשׁׁ להיות כְּמוֹהָ

It shall be holy, like (the more holy chatas).

This teaches us that meat, which touches or is absorbed from chatas meat, is treated as if it is chatas meat. It achieves the same holiness.

Is Zevulin's reward, directly linked to Yissachor's learning? Can I receive a reward greater than Yissachor? Here we learn that meat, which touches chatas meat, will become similar to chatas meat's holiness, but is not more holy. Is this the same as with Zevulin and Yissachor? Zevulin's intention to do good is not impacted negatively if Yissachor does not learn l'shmah. Zevulin still gets full credit and reward, for the effort to fulfill the Mitzvah of helping his brother learn.

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Weinbach p393
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וְאִינוּ חַיִּיב אֶלָּא עַד שְׂיֵאכֹל מִן הָעֲנָבִים כְּזֵית וכו'

He is not liable until he eats an olive's volume of grapes.

A Nazir is prohibited from eating an olive sized volume of fresh grapes, raisins, grape skins, grape pits, or a reviis of grape juice. He could incur a separate violation 5 times, if he eats all of them (Bamidbar 6:3-4).

Reviis = $\frac{1}{4}$ of a log = 1 $\frac{1}{2}$ eggs

A log = the volume of 6 eggs = 0.3 liters = 0.079 gallons.

$\frac{1}{4}$ of that = a reviis = 0.019 gallons.

סֵתֵם גְּזִירוֹת לִי יוֹם גִּילַח אוֹ שְׁגִילְחוּהוּ לִסְטִים

Standard Nezirus is for 30 days, whether the Nazir shaved his head, or bandits shaved him.

Cutting the hair requires a new growth of 30 days.

If the hair of a Nazir becomes shaved, either by himself or by bandits, 30 days of his Nezirus is cancelled.

Rambam says (Hilchos Nezirus 6:1)- 30 days are lost in his days of counting his Nezirus.

For example, if he is observing a ‘100 days’ Nezirus and his hair gets cut on day 20, he must stop counting for 30 days and then start again. Therefore, he is a Nazir for 130 days.

Rishonim say- No, if there remains 30 days left to his Nezirus, that is all we need. He must have a 30 day growth, at least at the end, so he can shave it off.

האִי מֵוֵיָא מִלְתַּחַת רַבִּי אִו מִלְעִיל

How does hair grow from the top or from the bottom?

It is important because once a person becomes a Nazir, any hair grown after that date, may not be cut off. If his hair was cut, it creates a discussion.

If hair grows from the bottom up and the hair cut was forced on him; cut the hair that was present before he became a Nazir and he has no need to prolong his Nezirus. But, if it grows from the top up, then the new hair is far from his head and a partial haircut removes the new hair. Therefore, he must prolong his period of Nezirus. How does hair grow? Evidence can be learned from a farmer who marks the wool of his animal when he tithes them, or a person who dyes their hair. In each case, we can see the colored hair rises and uncolored hair is at the base. Therefore, hair grows from the bottom.

כֹּד צְבָעֵי סְבִיא דִּיקְנָהוּן

When old men color their beards black.

The Shulchan Aruch rules that man may not color, even one white hair, black, due to the prohibition against dressing like a woman or a woman like a man.

May a person, who is prematurely grey, color his hair to look his actual age? Or to look for employment, or to improve his prospects for marriage?

Could a person color his hair from black to white, or from brown to black? Can we really say that a man, who colors his beard, is dressing like a woman?

As mentioned elsewhere, if a person dresses like the other gender in order to look as though he was the other gender, that is not permitted. However, for other reasons, i.e., work clothes, rain clothes, it is permitted. Here, he is not trying to look like a woman.

תַּעַר לֹא יַעֲבֹר עַל-רֵאשׁוֹ

A razor may not pass over his head,

until the completion of his days as a Nazir (Numbers 6:5) .

After the completion of his days as a Nazir, shaving should be done with a razor (Rosh).

Using a razor is permitted only by the Nazir, Metzora and by Leviim.

Others must not use a razor.

Indirect substitute methods, other than shaving to remove hair, is permitted, generally.

For example:

1. Depilatory creams
2. Electric shavers
3. A type of “plane” – scrapper or polisher.

Chazon Ish- Prohibited.

Rav Aharon Kotler – Prohibited

Rav Moshe Feinstein – Permitted, but would not write a Teshuvah, because he felt a Jew should grow a beard.

וְהִקְטַנִּי מִיַּיִן לְרַבּוֹת אֶת כָּל הַמַּעֲבִירִין

But it was taught in a Baraisa: Where in the Torah do we learn to include all things that remove hair (in a Nazir's prohibition)?

This excludes indirect methods.

For example:

- Listening to a Shofar over the telephone.
- One may not pierce the ear of a Jewish slave with a caustic substance, since the Mitzvah is to pierce the slave's ear. A caustic substance makes the hole by itself, without human action.
- A Nazir's hair can't be removed with a depilatory, since the depilatory removes hair by itself without human action, it is done indirectly.

Can you fulfill the Mitzvah of Shofar, Megillah, Krias HaTorah, by listening over the phone?
No, it is an indirect method.

You may answer, 'Amen', if you are in a huge gathering and there is a loud speaker, because you are part of a tzibbur and not merely hearing it over a loud speaker.

וְאִי כָתוּב: „רֹאשׁוֹ” וְלֹא כָתוּב: „וְקַנּוֹ” הֲיָה אֲמִינָא מִשְׁמַע תְּרֵי תֵי

And if it had been written, “his head” and not written, “his beard” I would have said that although two things are written,

a person must not cut the corners of the hair of his head, or shave his beard.

Yet, the Metzora and the Nazir, at the end of his Nezirus, are commanded to do so. Therefore, the Metzora and Nazir may do so because a positive commandment (+) supersedes a negative commandment (-).

What if a person is a Metzora and a Nazir?

- A Metzora must cut his hair (+)
- A Nazir must grow his hair (+)
- General people must not shave or cut their hair with a razor (-)

Can a Metzora / Nazir follow a (+) commandment and violate a (+) positive commandment, as well as a (-) commandment? Yes (Vayikra 14:9). The Metzora must shave his entire head. This is written without qualifications. A Metzora overcomes the (+) commandment of ‘hair growing’, of the Nazir.

עֲשֵׂה וְדָחִי אֶת לֹא תַעֲשֶׂה מִנְלִיָּה

Where in the Torah do we learn that a positive commandment overrides a prohibition?

It is a hermeneutical principle:

- 1st- “And you shall not wear Shatness” (wool and linen together) (Deut 22:11-12).
- 2nd- Derived from the verse concerning twisted cords, i.e., Tzitzis (Deut 22:12).

This juxtaposition suggests that we could make Tzitzis from Shatness.

The prohibition of Shatness (-) (Deut 11) is superseded by the (+) of Tzitzis.

A positive commandment supersedes a negative one.

וְכֹלֵם שֶׁגִּילְחוּ שְׁלֹא בְּתֵּעַר אוֹ שֶׁשִּׁירוּ שְׁתֵּי שְׁעָרוֹת לֹא עָשׂוּ וְלֹא בָּלוּם

If any of them shaved without a razor, or left two hairs unshaved, they have accomplished nothing.

Nazir – Must shave all the hair from his head when:

1. He has contact with the dead,. This ritual impurity that interrupts his Nezirus period.
2. At the end of his Nezirus period.

Metzora – Must shave his entire body (Vayikra 14:9)

Levite – Must shave when first inducted into the sanctuary service (Bamidbar 8:7).

The Mitzvah is not complete if two hairs are found.

In regards to Nazir, it must definitely be a complete shaving, because it says the phrase, “to shave”, twice in a single passage. In the other two situations, most hair removal is sufficient, the word ‘most’ meaning ‘all’.

Why would not one hair cause the Mitzvah to fail? Because in all the Torah the word, ‘hair’, means “2 hairs”, a tradition from Moshe Mi’Sinai.

נָזִיר שֶׁהָיָה שׁוֹתֶה יַיִן בְּכָל הַיּוֹם אֵינוֹ חַיִּיב אֶלָּא אַחַת

A Nazir who kept drinking wine all day (but was issued only one warning), is liable to only one (set of lashes).

A Nazir was warned not to drink wine, but he did not listen and drank wine multiple times during the entire day. How many sets of lashes is he liable for?

He is liable for only those violations that occurred after he was warned. If he was warned once, one set of lashes only.

Tosophos says- No. If he drank at separate times, he gets punished each time. The only circumstance where he gets only one set of lashes for drinking, is if he engages in continuous drinking. It is not considered a series of separate events.

Rambam - One set refers to how the Nazir is judged here on Earth, but in heaven he is punished for each violation of his Nezirus.

אָבֵל טוּמְאָה וְטוּמְאָה לֹא

However, (if a Nazir contracts) tumah (and then contracts) tumah again, he is not liable (for the second act).

A Kohen or a Nazir becomes defiled if they are in a tent with a corpse, or touch a corpse.

What if they touch two corpses, is it a double defilement?

“He shall not defile himself to profane himself” (Lev 21:4). He is already defiled, so the touching of a second or multiple corpses does not produce additional profanation. It is not a double defilement.

There is no incremental defilement by the second contact.

He is, nonetheless, not allowed to touch the second corpse, even though there is no increased punishment (because the act of touching generates defilement) and even though, in this case, he is already defiled.

אָבֵל טוּמְאָה וְטוּמְאָה לֹא

However, if he contacted tumah from a corpse and then contracted tumah again by some means (other than roof association), he is not liable twice.

A Nazir who is tamei, cannot become tamei again to warrant two transgressions. This is true unless he is tamei from a corpse and then becomes tamei again, upon entering a roofed building.

Why isn't he punished twice, if he touches one corpse and then touches a second corpse? Presumably, because he is already tamei and can't be tamei again (since he already is).

But that is the same as entering a roofed area. He is tamei by “entering” and tamei by “coming upon”, ‘lo u bo’.

If his hand, or head, or nose extends into the roofed dwelling, he becomes tamei for contamination. Also, once he enters more than ½ his body, he is tamei for entering, but, he is already tamei. How can he become tamei a second time. He can't!!!

However,, he can become tamei twice, simultaneously. For example, he is in a house when a person dies. He has violated both rules simultaneously and is not tamei sequentially.

Therefore, he can receive two sets of lashes, for two tamei infractions.

שְׁמַת אָבִיו שֶׁל רַבִּי יִצְחָק בְּגִינְזָק

There was an incident where R Yitzchak's father died in Ginzak.

The death was not known to his son until three years later. Can R Yitzchak, a Kohen, become tamei by exhuming and moving his father to a family plot?

No, after three years the body had decomposed and is not complete. It is, however, a Mitzvah to move a body to a family plot. Therefore, this question, as to whether a Kohen may become tamei by moving his family member, arises.

Is it a Mitzvah to move any family member to a family plot?

Rav Feinstein- It is preferable to move a son, to be buried near his father.

Others permit moving a father, to be near his son and others may permit other relatives also.

בִּיה לֹא-יַעֲבֹר הוּא וְלֹא יַעֲבֹר לְאַחֵר

We may read a double meaning into the verse, “no razor shall pass over his head and he shall not pass a razor over another person”.

Rambam- Therefore, he is liable whether he shaves himself or someone else shaves him.

Contrast with the law regarding shaving the corners of one’s hair:

-This applies to the person himself, cutting his own hair. However, if he sits passively and allows another to cut his payos, the one being trimmed is not liable for lashes (unless he assists).

B T Makkos 20b- Because a negative command, which has no action, is not punishable.

Is the person, who cuts the hair of the Nazir, also liable for violating the positive command, “He shall maintain his holiness”?

וְאַחֲרַיִךְ הַיּוֹתֵר הַנְּזִיר לְשֵׁתוֹת יַיִן וּלְהִטְמֵא לְמֵתִים

After that, the Nazir is permitted to drink wine and to contract tumah from the dead.

The Nazir's concluding ritual is described.

Once all that is complete, the Nazir is released from his Nezirus and may now drink wine and be contaminated by the dead.

יְבִיחֵנוּ עַל מְקוֹמוֹ וַיִּצֵא

(The Kohan) should apply the blood to the place and (the Metzora) will have discharged his duty.

A Metzora, during the purification ceremony, must apply the blood of the Korban (Asham) to his right thumb. What if he has no right thumb? Can he never become tahor?

He should place the blood where the thumb should be.

-A person missing a hand should take the lulav or esrog with his forearm.

-If he is missing both hands, take the lulav in the right forearm and the esrog in the left forearm.

-If a person has only one hand, he should take the lulav in that hand and the esrog in the other forearm, or both in one hand, one after another.

-If missing both arms, he can take lulav and esrog in his teeth!

The Torah just says “to take”, not that it has to be taken with his hands. Also, regarding Chalitzah, a woman, without arms, may loosen the shoe of her Yavam, with her teeth.

בֵּהֶן גָּדוֹל וְנָזִיר אֵין מִיִּטְמָאִין לְקְרוֹבֵיהֶן אֲבָל מִיִּטְמָאִין לְמַת מִצְוָה

A Kohen Gadol and a Nazir are not permitted to become tamei for their close relatives. However, they are permitted, in fact are obligated, to bury a ‘Mes Mitzvah’, ‘an unattended corpse’.

If a Kohen Gadol and a Nazir are traveling together and encounter a Mes Mitzvah, which of them should become tamei?

R Eliezar -The Kohen Gadol. The Sages say -The Nazir.

R Eliezar- The tumah of the Nazir has more severe consequences.

The Nazir - 7 day purification process

- Head shaving
- Bring special sacrifices
- Forfeit all of his Nezirus term, already served.

The Kohen Gadol

- Only the standard 7 day purification process

Therefore, if there is a choice, let the Kohen Gadol do it, rather than the Nazir.

The Sages say -No, let the Nazir do it. His sanctity is less, since his state of sanctity is temporary.

R Eliezer could also say – A Kohen is permitted to bury his relatives, therefore, he has less sanctity than a Nazir, who cannot bury even his own relatives. Let a Kohen bury the Mes Mitzvah!

כֵּהֵן גָּדוֹל וְנָזִיר אֵין מִיטְמָאִין לְקְרוּבֵיהֶן אַבָּל מִיטְמָאִין לְמַת מְצֻנָה

A Kohen Gadol and Nazir may not become tamei for their dead relatives, but may become tamei for “an unattended corpse”, ‘a Mes Mitzvah’.

A Nazir is traveling, comes upon a dead body and no one else is available to bury it. The Nazir may become tamei to bury it.

If he can bury it without becoming tamei, he should do so, i.e., in a nearby pit. He could simply cover the pit from a distance.

If he starts burying it and other people come, it is no longer a Mes Mitzvah and he should stop all contact with the corpse.

If a Nazir realizes that he will soon come in contact with a Mes Mitzvah, he can, in anticipation, ask a scholar to revoke his Nezirus, before he reaches the corpse. What if one of his close relatives is deathly ill?

מְשׁוּחַ בְּשֶׁמֶן הַמִּשְׁחָה וּמְרוּבָה בְּגָדִים

(One) anointed with anointing oil and (one) invested with additional clothes.

How could we have two high priests at the same time? One anointed with oil and one who was elevated to that position because of priestly garments.

At the time the oil was available, the official Kohen Gadol became ritually impure on Yom Kippur and a substitute Kohen was appointed to substitute for him. The substitute Kohen was anointed with oil to do so.

The substitute cannot serve in the capacity of Kohen Gadol after the man he replaced returns to duty, because this will create a feeling of animosity. Neither can he function as a regular Kohen, because this would be a ‘come down’ from his temporary status as a Kohen Gadol.

The original Kohen Gadol went into exile after the destruction of the first Bais Hamikdash. A new Kohen Gadol was appointed, but could not be anointed, because the oil had been hidden. These two are together when they come upon the Mes Mitzvah; one a Kohen Gadol who was anointed with the special oil, and the other not anointed with oil (he has less sanctity). Is he the one who should defile himself and bury the dead body?

Ans: The anointed Kohen Gadol should do it. He is ritually impure. He can't sit as a Kohen Gadol and can't even act as a Kohen. He should bury the Mes Mitzvah, ‘the unattended corpse’.

מְשֻׁחַ בְּשֶׁמֶן הַמִּשְׁחָה וּמְרוּבָּה בְּגָדִים

The anointed “with oil” Kohen Gadol and the “extra garment” Kohen Gadol.

The appointment of a Kohen Gadol was done with anointed oil. BT Yoma 52b tells us that King Yoshiyahu hid this special oil.

After that, any new Kohen Gadol, designated his role with only 8 garments, rather than the usual 4 (for a regular Kohen), but there was no anointing with oil.

It was not possible to manufacture new anointing oil, because one of the ingredients, in some of the original oil, was produced by Moshe Rabbienu.

As it states (Ex 30:31), “The oil of anointing shall be for Me, for all generations”.

אֲשַׁבְּחֶן כֹּהֵן גָּדוֹל נָזִיר מִנֶּלֶן

We learn that a Kohen Gadol

may defile himself for an abandoned corpse (Lev 21:11) from the word ‘lo yavo’, “he may not come upon” in parshas Emor.

Where do we learn that a Nazir may also defile himself in that situation? Do we need to find a special source for this Halacha? We already know, through a gezieras shaveh, that a Kohen Gadol and a Nazir share that they may be exposed to other ritual impurities.

Therefore, just as a Kohen Gadol may be defiled for an unattended corpse, so may a Nazir.

אָבֵל מִיִּטְמָא הוּא לְמַת מְצֻנָּה

But he may contaminate himself for an unattended corpse.

In which of the 613 Mitzvahs is “unattended corpse” included?

In Gemilas Chasadim - Any kindness, which no one else will do, and is not done for selfish or monetary reasons, is an act of Gemilas Chasidim, which is a great mitzvah.

על אלו טומאות הנזיר מגלח על המת ועל כזית מן המת ועל כזית נצל ועל מלא תרנוד רקב

For contamination with the following, a Nazir must shave his head: a corpse, an olive's volume of a corpse, for a decomposed corpse, or a ladle of corpse dust.

A Nazir must shave for the tumah of a corpse.

The corpse of an idolater does not transmit tumah by way of an ohel (tent).

It does transmit tumah to a person who touches the corpse. Kohanim are not prohibited from becoming tamei from the corpse of an idolater. Why? Because the tumah of an idolater is not as strong as tumah from the corpse of an Israelite.

Why do you say that?

Because the tumah of a an Israelite, transmits tumah in an ohel, whereas, the tumah of an idolater, does not transmit in an ohel.

הָבָא נְמִי בְּנֶפֶל שְׁלֵא נִתְקַשְׂרוּ אַבְרָיו בְּגִידֵין

Here we refer to a stillborn, whose limbs are not yet bound together with sinews.

In the absence of sinews, the law of tumah for limbs, does not apply.

Rambam rules-A stillborn transmits tumah, by means of touching, carrying and being in a tent, even if it's limbs are not yet bound together, i.e., even without sinews!

A stillborn, less than 40 days old, is not, halachically, a stillborn and does not transmit tumah.

This is learned from a Mishnah, in Oholos 18:7: “If you find a buried baby in a house, in which an idolater lived for less than 40 days, you do not need to be concerned about tumah”.

חֵלֶב הַמֵּת שֶׁהוּא שְׁלֵם

(If there was an olive's volume of) corpse fat in one piece.

The Nazis created ashes, soap and lamp shades, from their Jewish victims.

Can a Kohen enter a room, building, tent, or a covered area where such objects are located?

Fat transmits ritual impurity, only if the fat was of a single piece.

Ashes do not transmit Tumah.

רָקֵב הַבָּא מִן הַבָּשָׂר

‘Corpse dust’ that comes from the flesh.

The Rogachover Gaon used to say, “The heel reminds one of the “Angel of Death”, the ‘Malach Hamaves, since the heel is the part of the person most lacking in feeling”.

One of his students was asked, “What is the secret to your teacher’s phenomenal memory? He was answered, “It is not just his memory, he is such a conscientious student that, he constantly reviews. So whenever he speaks, it is about something that he has recently learned, or relearned. Review and repetition is his secret”.

רָקֵב הַבָּא מִן הָעֵקֶב מֵהוּ

What is the status of ‘corpse dust’ that comes from the heel?

The volume of ‘corpse’ dust that causes tumah is- a ladleful.

-It must come from one corpse only.

-It must not be mixed with any other substance.

Even if the amount of corpse materials is a ladleful or more, any mixture intermingled prevents ‘corpse dust’ from becoming potent. It must be exclusively ‘corpse dust’ from one corpse only.

‘Corpse dust’ that comes from the heel? Since the heel has less sensation, and therefore, ‘less life and vitality’ than the rest of the body, shouldn’t it need a greater volume to cause tumah?

Ans: No, heel dust is no different from the rest of the body. The same volume causes tumah.

נְמִלָּה שְׁחִטְרָה מֵהוּ

An ant that has no legs. What is its status?

An ant is a sheretz – a crawling insect that conveys tumah. It is prohibited to eat, even a single ant. This is due to the fact that, even though its volume is less than the size of a lentil, it is a living creature. However, if it has no legs, is it still considered living?

A sheretz conveys tumah because of its meat and the required volume to violate that law, is that of a lentil.

A sheretz also conveys tumah because it is a living creature and one entire, living creature conveys tumah.

An ant without legs, if it can live, is a living creature and conveys tumah. If it can't live, it produces tumah through its meat. Therefore, Rambam says, “You need to consume the size of an olive to be punished”.

הַשְּׂדֵרָה וְהַגּוֹלְגוּלָּה

Spinal column and/or skull, (conveys tumah).

Means: A spinal column, complete with all 18 vertebra.

Does it require both the skull and spinal column?

A case: Bones were brought in a box to the synagogue. Physicians inspected and declared there was no spinal column from one corpse in the box.

They decided that there was a combination of vertebra, from many persons. They did not match. Therefore, the bones convey no tumah. Only a skull or spinal column from one person could convey tumah.

The physicians obviously had previously studied the shape and configuration of vertebra from other cadavers.

We learn that there is:

1. No prohibition from deriving ‘benefit’ from the corpse of a non-Jew.
2. Mere examination of a cadaver is not a forbidden form of ‘benefit’ from a corpse.

זְקֵנִים הָרֵאשׁוֹנִים מִקְצָתָן הָיוּ אוֹמְרִים חֲצִי קַב עֲצָמוֹת וְחֲצִי לֹג דָּם לְכָל

The early elders: Some of them used to say, “A ½ kav of bones and a ½ kav of blood are the measures for all matters pertaining to tumah under of a roof.”

How much (what volume) of bones or blood can produce tumah?

How much (what volume) of bones or blood can produce tumah and require the Nazir to shave his head?

Mishnah (Oholos 2:12)	bones	blood
Terumah and Kadshim (Rosh-note 12)	¼ kav	¼ log
Nazir (Nazir 5b)	½ kav	½ log
For a person who is going to bring a Pesach offering	½ kav	½ log
Rav Eliezar says- For all cases	¼ kav	½ log
Others say- For all cases	½ kav	½ log

These and those are the words of the living God.

אֵין הַכְרֵעַת שְׁלִישִׁית מְכַרְעַת

A third novel opinion does not decide.

How should arbitration work?

Two parties in a dispute, agreed to appoint mediators to reach a compromise. If they could not agree, they would appoint a third party, who would settle the issue. And indeed this was necessary.

However, instead of choosing to agree with one of the original mediators (and making a 2 to 1 decision) the 3rd person came up with yet a 3rd opinion.

Does this create a majority, or is this merely another single opinion?

If the agreement was that the 3rd judge's opinion would decide, it stands.

If the agreement said the 3rd judge would create a majority, it does not.

וְעַל אֶבֶר מִן הַחַי שֵׁשׁ עָלִיהֶן בְּשָׂר כְּרֵאוֹי

And from a limb of a living person, that has on it, sufficient flesh.

Case: A heart from a non-Jew was transplanted into a Jewish patient. Later, the heart was rejected and another transplant was placed. Is there an obligation to bury the first transplanted heart? One could argue, it was in a Jewish person and therefore, become Jewish, or it was rejected and now reverts back to its original non-Jewish status.

The fact of the matter is: There is no requirement to bury any tissue taken from a living person. We do have a custom to bury tissue that can transmit tumah, to protect Kohanim.

The only tissue that transmits tumah, is that which has flesh and bone together.

Therefore, there is no requirement to bury the heart, even if it had originated in a Jewish person.

ובית הפרס

A plowed over grave site.

How long does a cemetery retain its ability to cause tumah to a Kohen?

A Kohen was walking across a field and saw an unusual stone. He turned it over and realized it was part of a headstone and it had Hebrew writing on it. After inquiry, he learned that the area had been a large cemetery years ago, but not for the past 100 years.

Is he tamei? If he had a home there, does he have to move?

Perhaps the bodies were moved.

Perhaps the bodies are completely decomposed.

He may be lenient and rely on one or both of the above reasons. Or he may chose to be strict, consider himself tamei, and move away.

הַנּוֹכֵן לְאֶרֶץ הָעַמִּים בְּשִׂיָּדָה תִּיבָה וּמַגָּדָל רַבִּי מְטַמֵּא

If a person enters the land of the Nations in a carriage or a box. Rebbi rules him tamei.

Rebbe – A box does not insulate a person from tumah. If a person is carried in a box over an area that generates tumah, i.e., a graveyard, he is tamei. However, if he is in a tent, he is not tamei. If it is stationary, it insulates. A portable tent, is not a tent. A portable box does not insulate and therefore, a Kohen could not be carried over a grave in a portable box.

R Yose bar R Yehudah considers a moving tent, a container that insulates from tumah. But most, do not (Nazir 55a1 line 5 A24).

This discussion impacts on a Kohen being permitted to travel by airplane.

Comment: A fence around a cemetery is foolish.

Those inside, can't get out and those outside, don't want to get in.

אָמַר רַבִּי אֱלִיעֶזֶר מִשּׁוֹם ר' יְהוֹשֻׁעַ

R Eliezar said in the name of R Yehoshua

Giving credit where credit is due.

Attributing credit to the proper source brings redemption to the world (Megillah 15a). This is well known. The Mishnah quotes a law in the name of Yehoshua ben Chananya, but we learn in a Baraisa, that R Eliezar heard it from R Yehoshua ben Mamal, who heard it from R Yehoshua ben Chananya.

If an idea passed through the generations, how many names must you quote to correctly fulfill the above requirements?

1. Any one source.
2. All sources.
3. Original source and most recent source, from whom you learned it.

This is not well known. If you learn you were quoted as saying something which you never said, must you correct the person who said it and those he told it too? There is no obligation, but it would be wise to do so.

אָמַר שְׁמוּאֵל בְּאִשָּׁה וְקָטָן

Rav Shmuel says, (the Mishnah speaks about) ‘A woman or a minor’.

“Neither a woman nor a minor are restricted regarding shaving”.

Rav Huna - Anyone who removes ‘Payos’ “ear-locks” of a minor is liable for lashes, but the minor is not, since he is under the age of responsibility.

Rav Ada bar Ahava says -No (Lev 19:27), ‘Lo Takfu’, “And you shall not permit your heads to be rounded”.

The person doing the shaving and the person being shaved, get lashes. Since they are both included in the same phrase, we can conclude that if one is not liable, the other party is also not liable. Therefore, anyone, man or woman, could shave the Payos of a minor and not be liable for lashes.

Can a Jew have his Payos cut by a non-Jew? The non-Jew is certainly not liable, so he could. However, a Jew could not and he may not instruct a non-Jew to do an act, that he himself is not permitted to do.

שָׁבֵן לֹא שָׂאִינוּ שׁוּה בְּכָל

Since the Kohen's prohibition is a prohibition not common to all.

The Gemara (B Metzia 30a line 42) discusses the Halacha of a Kohen, who sees a lost object in a cemetery.

A Jew must return such a lost object to its owner, but a Kohen cannot go into a cemetery. It would violate two laws, a positive law, “to be holy” and a negative law, “don’t contaminate yourself”.

The positive law “to return a lost object” can’t override a ‘lav’, ‘a negative law’, “of don’t contaminate yourself”. Unless we are dealing with a problem common to all people. Here it is not a common problem, but limited only to Kohanim. Therefore, it cannot be overridden.

In addition, the lost object’s owner can give up his ownership, whereas, no one can waive the Kohen’s obligation to avoid contamination. A monetary obligation is thus, less “steadfast” than the Kohen’s prohibition. Therefore, for these reasons, the Kohen should not go into the cemetery to retrieve the lost object, in order to return it.

שְׁלֵא תֵצֵא אִשָּׁה בְּכֵלֵי זִיּוּן לְמִלְחָמָה

A woman may not go out bearing weapons of war.

Slacks are considered a man's attire. If a woman wears slacks, is that considered a transgression of Deut 22:5?

Do slacks constitute male attire, even though the slacks are cut differently and are distinctively feminine compared to men's trousers?

What is the status of unisex clothes, i.e., ski pants?

It is not permissible to dress another person, even a small girl, in garments of the other gender?

Is it not permissible to wear a single garment of men's clothing, even though all the other clothes clearly are feminine?

Women are forbidden to bear arms, even if the rest of their attire is feminine.

Which is worse, miniskirts or slacks? Miniskirts are more objectionable.

No part of a woman's thigh or upper knee is to be exposed.

Slacks – Pants covered by a long tunic, are permitted, i.e., Indian style clothes.

שְׁלֹא תֵצֵא אִשָּׁה בְּכֵלֵי זִיּוֹן לְמִלְחָמָה

(Where do we learn that) a woman may not go out bearing weapons of war? (Deut 22:5).

Yael took a peg, rather than a sword, in order to kill Sisra (Shoftim (Judges) 5:26).

Rav Shloma Zalman's wife took a sword to cut a rope and he rebuked her. A woman carrying a sword looks as though she is wearing an object reserved for men.

However, the prohibition as stated says, "She can't go out with weapons to war".

Does this mean that if not for war, there is no restriction?

If a city is under siege, and/or a woman is traveling on a dangerous road, she is permitted to dress like a man and even carry a sword. In danger, she may bear arms. Further, the prohibition is for a person to dress like the other sex, in order to look like the other sex. If the reason is for utilitarian purposes, i.e., work, protection from the cold, it is permitted.

שְׁלֵא תֵצֵא אִשָּׁה בְּכֵלֵי זִיּוֹן לַמִּלְחָמָה

A woman may not go out bearing weapons of war.

The story of Yael and Sisra.

Shoftim 5:26 - “She (Yael) extended her hand to the peg.”

Mishlei 31:19 Eishes Chayil. - She extends her hand to the spinning peg.

Note the similarity and therefore, the obvious approval of Yael’s action.

נָזִיר טְהוֹר וּמְצוּרָע מֵהוּ שְׂיִגְלַח תְּגַלַּחַת אַחַת וְעוֹלָה לוֹ לְכַאן וּלְכַאן

Can a person, who is a Nazir and a Metzora at the end of his obligation, suffice with a single haircut for both conditions?

No.

The Nazir

- Shaves to remove hair.
- The shaving must be done after he throws the blood.
- Is done after his immersion in water.

The Metzora

- Shaves to grow hair.
- Shaves his counting days.
- Shaving must occur before he throws the blood.
- Shaving is done prior to his immersion.

The purpose of shaving and the sequence of events is different for each. Therefore, one haircut cannot satisfy both sets of requirements.

נָזִיר טְהוֹר וּמְצוּרָע מֵהוּ שִׁיגְלַח תְּגַלַּחַת אַחַת וְעוֹלָה לוֹ לְכַאן וּלְכַאן

Can a Nazir and Metzora shave once and have it count for both requirements?

We see that one head shaving cannot serve both conditions, that of a Nazir and of a Metzora, in the same person. Are there other examples when one does suffices for two?

A person loses two close relatives in a close time frame, does one Kaddish suffice for both?
One candle at Yahrtzeit, if you are poor?

Can a person fast or repent for multiple sins on one day? Or multiple transgressions of the same sin, on one day?

One act can, indeed, count for numerous matters.

Consider Yom Kippur – Where one fast day and one Teshuvah counts for a multitude of sins.

נָשִׁים וְעֶבְדִּים יִשׁ לָהֶן נְזִירוֹת

A woman and a slave may become a Nazir.

The Mishnah did not need to list the Halacha, that women are eligible to participate in the law of Nezirus. The opening verse in the Torah, in parshas Naso, which presents this Halachah explicitly states, “If a man or a woman clearly declares a vow of Nezirus...” (Bamidbar 6:2).

Torah Temimah – A woman is listed for stylistic purposes. Whenever we mention slaves, we usually list women also.

Can a Mishnah teach a Halacha that is already explicit in the Torah, such as this, or must there be some insight to the Mishnah listing?

Rashi and Rav (in Sanhedrin 18a) say- No. Here, a woman is listed, in order to contrast her laws of Nezirus, with that of a slave.

אֱלֹהֵי אָבוֹתַי שְׂמוֹחֵהוּ עַל כְּבוֹד אָבוֹתַי

(A non-Jew cannot be a Nazir, because it only applies to those) who are commanded to honor their father.

BT Kiddushin 31 – A non-Jew is not obligated to honor his father.

Rambam- A convert to Judaism, may not disparage his biological father. Otherwise, people may say that Judaism fosters less sanctity for him, than he had before converting. This implies that before converting, he was obligated to honor his father.

Rav Akiva Eiger says- Rambam did not say that he is obligated. Good etiquette mandates that a son honor his father, but it is not obligatory.

R Moshe Feinstein says- It is not a Mitzvah, however, there is a prohibition against behaving ungratefully. Even non-Jews are expected to honor the man who brought them into the world.

לְאִיתוּי מוֹפֵלָא סְמוּךְ לְאִישׁ דְּעוֹבֵד כּוֹכְבִים

To include a (minor) non-Jew, who is on the verge of adulthood.

A Jewish male is considered an adult, for the purposes of Bais Din, at age 13.
This was learned from Moshe M'Sinai.

Chasam Sofer - Non-Jews are considered adults and can be punished, when they become mentally competent.

Nazir (62a1) – A 12 year old, non-Jew, can make a vow.

Sefer Imrei Binah – A 12 year old, who is competent.

Rav Yonason Eibeshitz- He is not considered an adult, until age 20.

Rav Aharon Kotler – At age 13.

יָצָא לְהַרְעֵ לְאַחֵרִים שְׂאִין הַרְשׁוֹת בִּידוֹ

This excludes doing evil to others, where the authority is not in his hands.

The servant can't make an oath that will harm others.

A master cannot revoke the vows of his servant, but the master can demand that he not weaken himself in observing vows of Nezirus. If the master does this, the vow is postponed until after the servant obtains his freedom. Then the vow will have to be observed.

However, if the master does not protest, the servant must observe the Nezirus. An oath must be made in a situation where a person is free to accept or act upon it. As a servant, he is not in that status.

וְאִם טוּמְאַת תְּהוּם אֵינוֹ סוֹתֵר

And if it is Tumas Hatahom, “tumah of the deep”, he does not forfeit any days.

There is a type of Tumah, called ‘Tumas Hatahom’, “tumah of the deep”. For example, a deep hidden grave, that nobody knows about, but comes to awareness of, later. If the Nazir, or a person, going to bring a Korban Pesach, are exposed to this, but don’t know it until after they have given their Korbanos, they do not have to repeat the Nezirus, or give up any days, or repeat the Korban Pesach ritual. Even though they were Tamei.

Rambam: If however, any person, anywhere, knows about this hidden source of Tumah, it is not considered “tumah of the deep” and we would not deal so leniently.

וְאִם טוּמְאַת תְּהוּם אֵינוֹ סוֹתֵר

If it was “tumah of the deep”, he does not forfeit any days.

This detail is important in the following discussion.

As we all know, Eliyahu HaNavi occasionally comes down to this world and appears in a human guise. He intercedes where necessary and may even sit in on a study session with people learning Torah.

Does he have the status of a human being when he is here, or the status of an angel?
Can he be counted for a Minyan?

Ben Ish Chai states, without uncertainty that Eliyahu, definitely, has the status of an angel. Don't forget he knows all the sources of Tumah and if he had the status of a human being, it would mean there could never be a “tumah of the deep”. Therefore, he has the status of an angel, without question.

הַמוֹצֵא מֵת בְּתַחִילָּהּ מוֹשֵׁב בְּדַרְכּוֹ נוֹטְלוֹ וְאֵת תְּפוֹסָתוֹ

Someone who finds a corpse for the first time, lying in it's usual manner, may exhume the body, take the surrounding earth with the body and relocate it.

Blood or fluids may have seeped into the ground, this is part of the deceased and should go with him.

We should assure that the entire body is removed, so that the land is ritually clean and not prohibited to a Kohen.

R Moshe Feinstein states -This law is not mentioned in the Shulchan Aruch, the Noda B'Yehuda or Chasam Sofer and therefore, it need not be followed. Or if followed, do so only in Eretz Yisroel.

Chazon Ish explains- The practice should be observed in our day, since the deceased acquires the land that surrounds the body and therefore, it should be taken with him.

המוצא מת בתחילה מושקב בדרךכו נוטלו ואת תפוסתו

Someone who finds a corpse for the first time, lying in its usual manner, may remove it with it's surrounding earth.

This means, “just now and for the first time”. No one knew that a grave existed there. Such a body may be exhumed and moved, together with the surrounding soil, on the assumption that it was not buried in a cemetery or where there were other bodies buried (a total of 3 bodies are needed to call it a cemetery). They may assume that the body was buried there temporarily, and the intent at burial, was for the body to be relocated to a proper cemetery. We can also assume, that the body was placed there without the consent of the owner and therefore, the dead body does not acquire its spot.

Also, we learn if it was known to be a grave in a cemetery, it may not be exhumed.

וּנְשָׂאתַנִּי מִמִּצְרַיִם”

And you shall carry me out of Egypt.

Where in the Torah do we learn that if we exhume a body, we must take some earth with it?

“And you shall carry me out of Egypt” (Gen 47:30).

This is Jacob’s appeal to his son, Joseph, to insure that he would be buried in Canaan and not in Egypt.

The mention of Egypt is superfluous. It means ‘take some of Egypt’, i.e., ‘take some earth along with me’. “Take part of Egypt with me”, says Jacob.

עֵלָא מְצָאוּ וְטִיְהָרוּ אֶת אֶרֶץ יִשְׂרָאֵל

What is the reason? They found an excuse and declared Eretz Yisroel to be tahor.

If one finds 3 or 4 errors in a Sefer Torah (even if not found at the same time), it cannot be used, until the entire Sefer Torah is checked for errors. After 3 errors, the presumption is that it is no longer a kosher Sefer Torah.

This rule is challenged in our Gemara. If 3 graves are found on the land, but only one is known at a time, you may exhume that body. Later, if a second grave is found, you may exhume that body. Later, if a 3rd grave is found, it is again permitted to move the body, even though, it is now clear this was a cemetery and it should be prohibited to move bodies from a cemetery.

The cumulative examples do not create a prohibition to move the bodies. So too, in regards to a Sefer Torah, the cumulated errors (each corrected when identified) should not disqualify the Torah.

No- in regards to bodies, we want to make the area tahor for Kohanim.

-in regards to a Sefer Torah, 3 errors and you are out!!

גְּדוּל הָעוֹנָה אֲמֵן יוֹתֵר מִן הַמְּבָרֵךְ

It is better to answer ‘Amen’, than to be the one who says the bracha.

This is because the Gematria of ‘Amen’ is =91

(aleph=1 mem= 40 nun= 50 = 91).

This number is equal to the Gematria of the tetragrammaton =26

(yud =10 hey=5 vov= 6 hey= 5 = 26)

plus the Gematria of ‘Adonai’=65

(aleph=1 daled=4 nun=50 yud=10 = 65).

Thus, 26 + 65 = 91, the same as the Gematria of ‘Amen’ (91).

The bracha on Mitzvahs, i.e., before eating, are obligatory. Therefore, saying an amen is also obligatory.

This is especially true if it is a Mitzvah that he, too, is obligated to do, either then, or at another time.

תְּלִמְיָדֵי חֲכָמִים מְרַבִּים שְׁלוֹם בְּעוֹלָם שֶׁנֶּאֱמַר „וְכָל-בְּנֵיךְ לְמוֹדֵי ה' וְרַב שְׁלוֹם בְּנֵיךְ”

Torah scholars increase peace in the world.

As it is written:

“And all your children will be students of HaShem and abundant will be the peace of your children (builders)”.

Four tractates end with this teaching of R Elazar:

B	Berachos	}	(Acronym) - Bonayich
N	Nazir		
I	Yevamos		
Ch	Kerisus		