

This month's Daf Digest is dedicated in memory of
 Rivka Yenta bas Asher Anshel & Yosef ben Chaim haCohen Weiss on 8 and 14th of Elul
 By Mr. and Mrs. Manny Weiss

OVERVIEW of the Daf

1) Overlapping nezirus (cont.)

The Gemara continues to explain the two questions Rava intended to ask.

This leads the Gemara to ask three additional questions. One of the inquiries is resolved from a Beraisa.

2) Tumah that occurs during a suspended nezirus

There is a dispute regarding what happens to a person observing his own nezirus that was interrupted by the nezirus he observed upon the birth of his son and who then became tamei. R' Yochanan holds that it breaks both terms of nezirus whereas Reish Lakish maintains that it does not effect his own nezirus.

R' Yochanan and Reish Lakish explain their reasoning.

There is a second dispute between R' Yochanan and Reish Lakish regarding a nazir who became tamei after his nezirus was suspended due to tzara'as.

The Gemara explains why R' Yochanan and Reish Lakish argue the same issue in two different contexts.

3) Tumah that occurs during the "day of hair growth"

Rav and Shmuel disagree about a nazir that becomes tamei during the "day of hair growth." Rav maintains that the tumah does not cause him to lose any days whereas Shmuel holds that it does cause a break in the nezirus.

4) Tumah that occurs after the blood of the Korban is applied

R' Chisda rules that if a nazir becomes tamei after the blood of his Korban was applied but before he cut his hair there is no way for him to conclude his nezirus.

The Gemara explains that R' Chisda follows the position of Rabanan that haircutting is not necessary to conclude the nezirus and what R' Chisda meant was that he would not have the opportunity to fulfill the mitzvah of cutting his hair following his nezirus.

5) Violating nezirus prohibitions after the term

R' Yosi the son of R' Chanina rules that a nazir receives lashes for becoming tamei after his term but before completing the necessary exit procedures but does not receive lashes for drinking wine or cutting his hair.

The Gemara asks why tumah should be treated differently than the other two restrictions. ■

Distinctive INSIGHT

"I am as Moshe on the seventh of Adar."

אמר כמשה בשבעה באדר מאי

Rashi explains that the question is based upon the implication that Moshe died on the seventh of Adar, and he did not drink wine after that. Therefore, when a person states that he wishes to be as Moshe as of the seventh of Adar, perhaps he is accepting upon himself to abstain from wine, and he will be a nazir.

Shita Mikubetzes cites an explanation from Rabeinu Tam. Most probably, there were many people at the time of the death of Moshe Rabeinu who vowed to observe a period of nezirus. We can assume that this person who associates himself with the events of the seventh of Adar when Moshe died is referring to the acceptance of nezirus, as was the response of those who were present at that time.

Rabeinu Azriel notes that even if the people who were present at the time of the death of Moshe Rabeinu did not accept upon themselves a formal state of nezirus, they were all in a state of **אנינות** upon the death of their great leader, and they abstained from wine. On the other hand, the question of the Gemara is that the reference to the seventh of Adar may be the day Moshe was born, which was a day of celebration, with eating and drinking. If this was the case, the speaker is not declaring himself to be a nazir.

In **שו"ת רבי אליהו מזרחי** (#51) the question of the Gemara is where the person clearly said, "I am a nazir as Moshe on the seventh of Adar." Nevertheless, due to the ambiguity in his words, the Gemara is not sure whether a condition of nezirus has been established. We see from here, he notes, that whenever the person's true intent is unclear, we cannot conclusively determine his status even if he adds the words "I am a nazir." For example, earlier (4a) the Mishnah taught that when a person says, "I will be as Shimshon," his words have no significance unless he clarifies them by saying "the son of Manoach" or "the husband of Delilah." The failure inherent in the statement "as Shimshon" would even be present if the person explicitly said, "I will be a nazir as Shimshon."

The **גרי"ז** (to Rambam, Hilchos Nezirus 4:10) explains that the question of the Gemara is whether the person speaking might be referring to the day before the seventh of Adar, one day before the death of Moshe. On the one hand, it is not possible to be a nazir for thirty days, as Moshe died the next day. On the other hand, one can declare to be a nazir for thirty days, and it is valid unless it is later interrupted. ■

HALACHAH Highlight

I will be a nazir one day before I die.

כמשה בשבעה באדר מאי

"Like Moshe on the seventh of Adar," What is the halacha?

Rambam¹ rules that if a person declares, "I will be a nazir one day before I die," he is prohibited to drink wine, to become tamei or cut his hair forever. Kesef Mishneh² cites the Gemara in Nedarim (3b) as the source for this halacha. The Gemara there rules that a person who declares that I will not leave this world without observing a period of nezirus is obligated to immediately observe a period of nezirus. The difficulty with this explanation is that Rambam already cited that halacha³ and seemingly he is not adding anything new by citing the same principle. Therefore, it seems that the novelty of this ruling is that he can accept a period of nezirus that is only one day. Accordingly, another source for this halacha is required and some commentators⁴ point to our Gemara as the source. The Gemara discusses a person who makes a declaration to be a nazir like Moshe Rabbeinu on the seventh of Adar. In other words, the person is referencing the day of his death with the seventh of Adar and his intent is to declare that on the day of his death he will be a nazir and therefore every day is subject to doubt perhaps this is the day he will die.

The difficulty with this explanation is that since there is doubt whether he is a nazir we should invoke the rule of ספק נזיר להקל and he should not be required to observe nezirus. It

REVIEW and Remember

1. How does the Gemara explain Rava's two part question?

2. Explain the dispute between R' Yochanan and Reish Lakish?

3. Why is it necessary for R' Yochanan and Reish Lakish to argue the same issue in two different contexts?

4. What is the dispute between R' Eliezer and Rabanan concerning the haircut at the end of a period of nezirus?

must be, explains Pesach Habibur⁵, that in this case since the ספק will not be treated more stringently than the ודאי halacha will dictate that he should be strict. The reason the ספק is not treated more stringently in this case is that he will not be able to offer the Korbanos Nazir since the day of his death he will have observed only one day of nezirus which is not enough time to be obligated to offer a Korban. Therefore, the rationale for ספק נזיר להקל disappears and we invoke the principle of ספק דאורייתא לחומרא ■

1. רמב"ם פ"ד מהל' נזירות ה"י
2. כס"מ שם
3. רמב"ם פ"א מהל' נזירות ה"ד
4. פתח הביאור לפ"ד מהל' נזירוד ה"ד מי שאמר
5. פתח הביאור שם ■

STORIES Off the Daf

A question of a Yahrzeit

אמר כמשה בשבעה באדר מאי

In a certain chassidic shteibel, the custom was not to say tachanun on the day of the yahrzeit of a great tzaddik. One attendant of the shul got very upset at this practice. He complained, "I just don't understand you. What source is there that a yahrzeit is a joyous day that should exempt people from saying tachanun? In Nazir 14, we see that the day Moshe died was a day when people made vows. Moshe Rabbeinu, the ultimate tzaddik! Not only do we say tachanun on his yahrzeit, but the day is a

day of mourning! Why should other tsaddikim be different?"

The Rabbi replied, "First of all, you have asked a good question. So allow me to ask you one in return. Why is the day of Rashbi's yahrzeit a celebration when we don't say tachanun?"

The man appeared perplexed. "I am not sure," he stammered.

"The Divrei Chaim of Tzanz, ז"ל, explains that Moshe Rabbeinu's yahrzeit is a day of mourning since he was barred from entering Eretz Yisrael despite his repeated requests. Since his entry would have meant the Beis Hamikdash would have been indestructible, his death was truly a terrible loss for all generations. Rabbi Shimon bar Yochai, on the other and, did complete his mission in this

world, so his yahrzeit was a day of great rejoicing. We hold that other Chassidic masters who blazed a trail for us to follow today should also have similar status.

The Rabbi concluded gently, "To be honest, I don't really understand your question. Rav Shlomo Zalman Auerbach, ז"ל, was not a chassidic source, yet he also says that one who davens with chassidim who have a tradition not to say tachanun for certain tsaddikim should follow the tzibbur's practice since they have a valid reason for refraining. Don't you think he is a valid enough source to rely upon on not to make a ruckus?" ■

