

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) **Taking a vow of nezirus while in a cemetery (cont.)**
 Reish Lakish responds to the challenge presented to him.
 A successful challenge to Reish Lakish is recorded.
 Mar bar R' Ashi suggests an alternative explanation for the dispute between Reish Lakish and R' Yochanan.
 R' Yochanan unsuccessfully challenges Reish Lakish.
 A Baraisa is cited that seems to support R' Yochanan.
 Reish Lakish offers an alternative explanation for the Baraisa.
 The Gemara succeeds at refuting Reish Lakish's position.
- 2) **Lingering in a cemetery**
 Rava poses a question whether it is necessary for a nazir to linger in a cemetery in order to be liable to receive lashes.
 The Gemara clarifies the circumstances of the question.
 The inquiry remains unresolved.
- 3) **The haircut for one who took a vow of nezirus in a cemetery**
 R' Ashi asks whether someone who took a vow of nezirus in a cemetery must cut his hair before he begins his period of nezirus.
 Three unsuccessful attempts are made to resolve this inquiry. ■

REVIEW and Remember

1. What is the difference between a tamei person who declared that he would be a nazir and a nazir who became tamei?

2. Does a tamei person who declared nezirus become restricted by nezirus prohibitions?

3. How does the Gemara explain Rava's inquiry related to a nazir lingering in a cemetery?

4. What is the source that a nazir does not get credited for the days that he is a metzora?

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 In loving memory of our grandfather
צבי מאיר בן יהודה
 by the Karp family, Far Rockaway, NY

Distinctive INSIGHT

The multiple violations of exposure to tumah

בעי רבא נזיר והוא בבית הקברות מהו? בעי שהייה למלקות או לא

Rava inquires regarding a person who, while standing in a cemetery, declares his intent to become a nazir. The question is whether he is liable for מלקות immediately, or does he have to tarry in the cemetery for a period of time before he is liable for מלקות? The basis for this question is the halacha regarding a person who entered the Beis Hamikdash while tahor, who suddenly becomes tamei. In this case, if the person quickly exits the Beis Hamikdash, he is exempt from punishment. However, if he carries the amount of time needed for השתחויה, to bow, he is liable for kares. The question is whether this interval is allowed for a nazir who declares his nezirus while standing in a cemetery.

Tosafos (ד"ה נזיר) points out a contrast from a Gemara (later, 42b) which discusses a case where a nazir is carrying a dead body, and someone hands him another dead body. The Gemara concludes that although we might think that he would be liable for touching the additional source of tumah, a verse teaches that this is not the case. "ולא יחלל זרעו" indicates that a nazir is only liable when he contacts tumah which causes him to become defiled, and not when he is already in a state of being defiled. The Gemara there then asks from the Mishna (ibid.) which rules that if a nazir is continually warned not to expose himself to tumah, and he continues to do so, he is liable for every warning and exposure. The Gemara resolves this by explaining that if he is holding the source of tumah, he is liable only once. If he releases the tumah, he is liable over and over again, as his subsequent contact is considered an additional act of defilement. Accordingly, Tosafos notes that in our case the nazir in the cemetery should not be liable for additional tumah by tarrying in the same place. This is parallel to the case of the nazir who is holding the tumah and then continues to expose himself to more tumah, about which the verse taught that he is חייב only once.

Tosafos answers that the Gemara only considers the defilement of the nazir as one violation in a case where he could not discard the source of the tumah from his hand. However, if the nazir had the ability to throw the tumah away, he can be held responsible for not doing so. Therefore, in our case as well, the nazir could have left the cemetery, and when he chooses to remain, he can be liable for multiple violations for staying. ■

HALACHAH Highlight

Putting on tzitzis before the time of the mitzvah

כגון שנכנס בשידה תיבה ומגדל ובא חבירו ופרע מעליו מעזיבה

For example, he entered the cemetery in a carriage, trunk or closet and his friend came and removed the floor

Rema¹ writes that if a kohen was sleeping naked and someone dies in the room he should not be informed that there is a dead body in the room; rather he should be called outside so that he will dress himself before he exits. If, however, he was already informed of the death he is not permitted to linger even to dress. Pischei Teshuvah² cites Mishnas Chachamim who infers that the requirement for the kohen to leave immediately, even before dressing, applies despite the fact that he entered the room in a permissible fashion and bears no fault for the circumstance in which he finds himself. This is difficult, asserts Mishnas Chachamim. Since the kohen entered the room with permission his lingering should not be considered an action (כמעשה) and the rule is that a person's dignity (כבוד הבריות) overrides prohibitions violated without an action (בשב ואל תעשה).

Mishnah Lamelech³ demonstrates from our Gemara that even if a person's actions were permitted and the prohibition came upon him inadvertently (באונס), nevertheless, one is

accountable for the transgression since it is considered as if he performed an action. The Gemara addresses a case of a kohen who was brought into a cemetery in a structure that protected him from tumah and a friend came and dismantled part of the structure and thus exposed him to tumah. It is clear from the Gemara that lingering at all will make the kohen subject to lashes (even though he initially entered the cemetery in a permitted fashion) and his continued presence is obviously considered an action.

Teshuvos Har Tzvi adds that this principle (although the beginning of the process was done in a permissible fashion, nonetheless, lingering after circumstances changed to cause a prohibition is considered an action) could also be used for mitzvos. Thus if one puts on his talis before the time for the mitzvah, he is permitted to make a beracha after the time for the mitzvah arrives. Although he initially donned the talis when he was exempt, nevertheless, that action caused the garment to remain in place when the time for the mitzvah arrived and according to our principle allowing the garment to remain in place is considered the action of donning the garment. ■

1. רמ"א יו"ד סי' שע"ב סעי' א'.

2. פת"ש שם סק"ד.

3. משנה למלך פ"ג מהל' ביאת מקדש ד"ה גרסינן.

4. שו"ת הר צבי או"ח סי' י"א. ■

STORIES Off the Daf

The Broken Circuit

...בעי שהייה למלקות או לא"

Our Gemara discusses lashes allocated to a nazir in a graveyard.

One Shabbos, a certain unfortunate man visited his friend's house, forgot that it was Shabbos, and rang the doorbell. The hapless man remembered it was Shabbos as he was ringing the bell but didn't know what to do. Did he really have to leave his hand on the bell for the next five hours until Shabbos finally ended? Luckily, someone passed by and distracted him, calling, "Hey, it's Shabbos!" and the man inadvertently removed his finger from the door bell.

When he explained himself to his friend, his host looked pityingly at him and said, "You fool, why didn't you take

your finger off the bell?"

The man replied, "I thought that it would be forbidden for me to break the circuit by removing my finger from the bell. Why isn't it like the case of a person who turns on a light—he isn't allowed to extinguish it!"

After Shabbos, this man decided to ask whether his assessment of the situation had been some sort of middus chasidus, or had he been halachically obligated to keep his finger on the bell. His rabbi responded, "Well, the Mishna Halachos states that with every instant that someone presses his hand on a bell he transgresses a prohibition. He proves it from the Gemara regarding a nazir in a graveyard who receives lashes for each and every transgression about which he has been duly warned.

The Rav continued, "Nevertheless, he says it's clear that if someone accidentally puts his hand on the bell on

Shabbos, he should immediately remove it. It's not like your example of turning on and shutting a light switch, since when one turns on a light it is on to stay, unlike this case where the issur is done only as long as one's finger stays on the bell. An additional factor is that the bell didn't have a light with a filament that gets heated to yad soledes bo. Of course, that's only according to the authorities who reject the Chazon Ish, זת"ל, who holds that breaking or connecting a circuit is a Torah prohibition. According to him, removing your finger from the bell was a separate Torah prohibition.

The Rav concluded, "Since most authorities disagree with the Chazon Ish, someone in your situation may remove his finger. But your friend shouldn't have insulted you, since someone who is חושש like the Chazon Ish should indeed leave his finger on the bell!" ■

