

Today's Daf Digest is dedicated
לעילוי נשמת צבי בן יחזקאל יוסף גרין, מחסידי דעעש
From the Grin family, Sao Paulo, Brazil

OVERVIEW of the Daf

1) Restrictions on a Kohen's allowance to become tamei (cont.)

The Gemara concludes citing the Baraisa that challenges R' Chisda's assertion that a Kohen may not become tamei for his father if his father was decapitated.

R' Chisda's assertion is defended.

2) MISHNAH: The Mishnah contrasts different stringencies that apply to the prohibitions of a nazir.

3) Challenging the statements of the Mishnah

The Mishnah's statement that there is an exception to the prohibition on tumah is unsuccessfully challenged.

The Mishnah's statement that there is no exception to the prohibition on wine is unsuccessfully challenged.

The Mishnah's statement that drinking wine does not break the nezirus is unsuccessfully challenged.

The Mishnah's statement that a haircut only causes the nazir to lose thirty days is unsuccessfully challenged.

It is asserted that there should be liability for one who makes a nazir tamei.

An exposition is cited that teaches that there is no liability for one who makes a nazir tamei.

The assertion that one who shaves the head of a nazir is liable for lashes is unsuccessfully challenged.

The Mishnah's statement that a nazir who is a metzora is permitted to shave his head is unsuccessfully challenged.

The ruling that a haircut breaks the nezirus is unsuccessfully challenged.

It is suggested that drinking wine should cause the nazir to lose thirty days.

This suggestion is rejected.

4) MISHNAH: The ideal timing for the tumah haircut activities is presented. The Mishnah discusses whether these activities necessarily have to be done in the order presented.

5) The debate between R' Akiva and R' Tarfon

The Gemara wonders whether R' Tarfon accepted R' Akiva's response.

A Baraisa is cited to resolve this inquiry.

Rava rejects the proof.

6) Tevul yom of a zav

R' Nossan bar Hoshaya's friends asserted that the tevul yom of a zav is treated like a zav in that he is not permitted to enter מחנה לוייה.

Abaye begins to challenge this assertion from the case of a nazir. ■

Distinctive INSIGHT

Is a nazir liable for having his hair cut if he does not assist?

אמר קרא תער לא יעבור על ראשו, קרי ביה לא יעבור הוא ולא יעבור לאחר

Rambam (Hilchos Nezirus 5:11) discusses the details of the prohibition of a nazir having his head shaved. He rules: "The same halacha applies whether the person shaves himself, or whether he has his hair cut by someone else, as the verse states, 'No razor shall pass upon his head.'" It is interesting to contrast this halacha of nazir with the halacha of not shaving the corners of one's head. There (Hilchos Avoda Zara 12:1) Rambam rules that the corners of the hair of one's head may not be shaved, but this only applies to where a person cuts his own hair. If, however, one sits passively and allows another to cut his hair, the one being trimmed is not liable for lashes unless he assists with the process. The source for this halacha is the Gemara in Makkos (20b) where Rav Chisda states that lashes are given to a person who has the hair of his head cut, whether it be done by himself or with the help of others. Rav Ashi clarifies that even when we say that the person having his hair cut is liable for lashes it is only when he aids and assists as the hair is cut. If, however, he is completely passive, the rule is that a negative command which has no action (לאו שאין בו מעשה) is not punishable.

The Achronim discuss whether a nazir is only liable for lashes if he assists in the cutting of his hair, as Rambam rules in reference to cutting of the payos, or if the nazir is liable even without his assisting in the cutting of his hair. Minchas Chinuch (Mitzvah #373:3) writes that it is obvious to him that a nazir shares this same constraint, and he is only liable when he assists with the cutting. The reason Rambam does not mention nazir in this regard is that he relies upon its being clarified by cutting of payos. Keren Orah argues, and he explains that Rambam's omission of this detail regarding nazir indicates that he interprets the verse "a razor shall not pass upon his head" to indicate that it is always prohibited for the nazir to have this done, whether he does it himself or if he allows it to be done by someone else, even if he personally does not assist.

Minchas Chinuch also discusses whether the one cutting the hair of the nazir violates the positive command "he shall maintain his holiness." He also deals with the issue whether the cutter is in violation of this positive command if he cuts the hair effectively, but with an implement other than a razor, where the negative command does not apply. ■

HALACHAH Highlight

Moving a corpse to a family plot

דתניא מעשה שמת אביו של ר' יצחק בגינזק וכו'

As it was taught in a Baraisa: There was an incident involving R' Yitzchok's father who died in Ginzak etc.

The Gemara relates that after R' Yitzchok (who was a Kohen) was informed, three years later, of his father's death he made an inquiry whether it would be permitted for him to become tamei to exhume his father's body so that it could be buried in the family plot. The rabbis answered that it was not permitted since, after three years, it is assumed that the body is no longer complete. Teshuvos Machaneh Chaim¹ extrapolated from this the importance of moving a body to a family plot. Our Gemara indicates that it is, in fact, a mitzvah to exhume a body to be reburied in a family plot. The proof is that if it was merely a nice idea to bury a relative in a family plot rather than a mitzvah there would be no question of whether R' Yitzchok would be permitted to become tamei, even if his father's body was intact, because it would certainly be prohibited. The question arises only if we begin with the premise that it is a mitzvah.

Another issue discussed by the Poskim² is whether the leniency to move a body to the family plot is limited to moving a son to be near his father or does it even allow moving a father to be near his son. Rav Moshe Feinstein³ was asked whether it is permitted for children to move their father's body to a plot they recently purchased for the family in which their mother and three children were already interred. Rav Feinstein re-

REVIEW and Remember

1. What activities cause the nazir to lose days of his nezirus?

2. Does the person who shaves the head of the nazir receive lashes?

3. What is the correct procedure for the head shaving of tumah?

4. Explain יום של זב כזב דמי.

sponded by citing a Yerushalmi⁴ that indicates that the allowance to exhume a body to be reburied in the family plot is limited to moving a son to be buried near his father but does not allow a father to be moved to his son. A Baraisa in Masseches Semachos⁵, however, indicates that the allowance includes even moving a father closer to his son. Therefore, concludes Rav Feinstein, although he would not advise a family to move a father to be reburied near his son, if a family chooses to be lenient there is no reason to protest their behavior since it is supported by the Baraisa in Masseches Semachos that is cited by numerous Poskim. ■

1. שו"ת מחנה חיים ח"ו יו"ד ח"ג סי' מ"ה.
2. ע"י שו"ת חת"ס יו"ד סי' של"א.
3. שו"ת אג"מ יו"ד ח"א סי' רל"ח.
4. ירושלמי מו"ק פ"ב ה"ד.
5. מסכת שמחות פ"ג. ■

STORIES Off the Daf

The "Lips of the Kohen"

"... יכול לא יטמא לשדרה ולגלגולת ..."

The beginning of today's daf continues to discuss what sort of defilement a Kohen must avoid.

Although it is well known that the Magen Avraham quotes the Shach, zt"l, it is less well known that the two luminaries actually met in the flesh.

It was in the town of Kalisch that the meeting transpired. After the famous Shach gave a shiur, the Magen Avraham sent a student to ask a very penetrating question on the Shach's analysis. Not only that, but the Magen Avraham even supplied the student with objections to

possible answers the Shach may offer to his question.

When the student conversed with the Shach, the conversation went exactly as the Magen Avraham had foreseen. The Shach gave all the answers that the Magen Avraham had mentioned to the student who was prepared with strong objections.

The Shach was naturally impressed by the student's knowledge but when the conversation moved to other topics it was clear that the student was so erudite as he had originally seemed. "Did you ask your own questions on my shiur or were they perhaps the questions of another?"

The student admitted that the questions were his rebbi's, the Magen Av-

raham. Upon hearing this, the Shach sent the student to fetch the true critic. The Magen Avraham acquiesced and the two had a very erudite and intricate Torah conversation.

While they were involved in this, the Shach's host politely interrupted. He respectfully informed the Shach that, as a Kohen, it would be best if he could continue the conversation elsewhere since there was a very ill man in the house who could die at any moment and defile the house.

The Shach struck the table and exclaimed, "I order you to wait!"

When they finished their conversation and resolved all their questions, the Shach left. A moment later the sick man died! ■