

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah discusses the status of a nazir who discovers that he is tamei. The Mishnah draws a distinction between known tumah and "tumah of the deep" and when the nazir discovers that he is tamei.

2) Tumah of the deep

R' Elazar suggests a source for the lenient ruling associated with "tumah of the deep."

Reish Lakish offers another source for this ruling.

The Gemara presents challenges that refute both suggestions so the Gemara concludes that the source for the leniency of "tumah of the deep" is Halacha L'Moshe M'Sinai.

3) Discovering that he is tamei before he shaves his head

R' Yochanan asserts that the Mishnah follows R' Eliezer who also maintains that the haircut is essential to release the nazir from his restrictions.

Rami bar Chama inquires about the halacha for a nazir who became tamei before he completed his term but did not realize that he was tamei until after his term was completed. Is his status determined by when he contracted the tumah or by when he discovered that he was tamei?

Rava demonstrates that the Mishnah refers to a case where the nazir discovered that he was tamei after the completion of his nezirus term.

It is noted that Rava did not answer whether the nazir in the case will forfeit seven or thirty days.

After rephrasing Rami bar Chama's question the Gemara notes that in reality Rava did answer Rami bar Chama's inquiry and he maintains that the nazir will only have to forfeit seven days.

4) Tumah of the deep (cont.)

A lengthy Beraisa is cited that elaborates on the details of the laws related to "tumah of the deep."

5) A floating sheretz

A Beraisa presents a dispute between Tanna Kamma and R' Shimon regarding the capacity of a dead floating sheretz to convey tumah. ■

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 By Mr. and Mrs. Boruch Weinberg
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 מרת חיה בת ר' דב בעריש, ע"ה

Distinctive INSIGHT

The sources for the law of תומאת התהום

ריש לקיש אמר אמר קרא כי יהיה טמא לנפש

Our Gemara seems to suggest that there is a dispute between Rabbi Elazar and Reish Lakish regarding the source from where we derive that תומאת התהום is not a factor for a nazir and one who is going to bring his Korban Pesach. Although the verse which Rabbi Elazar cites (Bemidbar 6:9) is written in the context of a nazir, Rabbi Elazar learns that this rule applies equally to the case of one who is going to bring his Korban Pesach. And, similarly, the verse which Reish Lakish cites (ibid., 9:10) is recorded in the context of bringing a Korban Pesach, Reish Lakish understands that this source is teaching the law in the case of nazir, too.

It is noteworthy that the Gemara in Pesachim (81b) indicates that Rabbi Elazar and Reish Lakish do not disagree. There, Rabbi Elazar brings the lesson of תומאת התהום of nazir, and Reish Lakish shows this law in reference to bringing the Korban Pesach, and in this way the complete picture of this type of impurity is taught, without nazir being derived or learned from Korban Pesach, or vice-versa. In fact, a third opinion is brought in the discussion in Pesachim, that of Rabbi Yochanan, who learns the law of an unknown grave from a different phrase in the verse (ibid., 9:10), from the words "בדרך רחוקה לכם"—a distance far from you." Rashi there explains that Rabbi Yochanan understands that the word "לכם" refers not only to the distance, which is far from you, but it also indicates that the source of tumah is only a problem if it is "for you," a gravesite which is known to you, as opposed to a grave which was unknown.

Tosafos in Menachos (58b, ד"ה ואיכא) identifies the discrepancy between the manner in which the opinions of Rabbi Elazar and Reish Lakish are presented in the two Gemaras as being "סוגיות החלוקות"—versions of the discussion which are at odds." Tosafos points out that this phenomenon, where a discussion appears in a different and contrasting format in two different places, occurs several times throughout shas.

תוספות רבינו טורדוס writes that it is possible to explain our sugya here in Nazir in a manner whereby it coincides with the discussion as it is presented in Pesachim. ■

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 Dr. Morris W. Steinberg, משה וועלוועל בן אברהם
 by Mr. and Mrs. Ari Steinberg and family

HALACHAH Highlight

Tumah of the deep

ואם טומאת התהום אינו סותר

But if it is tumah of the deep he does not forfeit any days

There are a number of fundamental issues that require clarity concerning the topic of **טומאת תהום**—Tumah of the deep. One issue raised by Sefer Pischei Nazir¹ relates to the case of a person who discovers that he was tamei after he offered his korbanos. Halacha L'Moshe M'Sinai teaches that the nazir is not required to re-observe his nezirus. One could ask, however, whether this halacha is a **בדיעבד** leniency, meaning the Torah does not obligate the nazir to re-observe his nezirus once he has brought his korbanos or perhaps the Halacha L'Moshe M'Sinai represents a leniency even l'chatchila, meaning that tumah of the deep is not considered tumah in this case. A practical difference between these two approaches will arise when a friend of the nazir becomes aware that the nazir is tamei with tumah of the deep before the nazir has offered his korbanos. Should the friend inform the nazir that he is tamei or not? If this principle is a leniency even l'chatchila it is possible that there will be no obligation to inform the nazir until after he offered his korbanos. On the other hand, if it is a **בדיעבד** leniency the nazir should be informed before offering the korbanos. Sefer Pischei Nazir cites different sources that could possibly resolve the issue but he rejects them all and leaves the matter unresolved.

Another issue raised in the Sefer Pischei Nazir² is whether the nazir who qualified for the leniency of tumah of the deep is considered as if he violated his nezirus, albeit unin-

REVIEW and Remember

1. What is tumah of the deep?

2. What is the source for the leniency of tumah of the deep?

3. What are the conditions necessary to assume that someone who passed over a body buried beneath a road is tamei?

4. Explain the difference between Tanna Kamma and R' Shimon.

tionally, or not. The practical difference between these two approaches is whether the nazir requires atonement for his unintentional violation of a Biblical prohibition.

Thirdly³, some authorities maintain that the reason the korbanos of the nazir could be brought when he was tamei with tumah of the deep is that the tzitz worn by the kohen gadol renders the korbanos acceptable. Accordingly, once the tzitz was broken the korbanos are no longer accepted and the nazir may be required to re-observe his nezirus. Other authorities maintain that the leniency is not related to the tzitz and the korbanos are accepted even without the existence of the tzitz. ■

1. ספר פתחי נזיר פ"ו הט"ז ד"ה ואם בטומאת.
2. ספר פתחי נזיר שם ס"ק קנ"ז.
3. שם. ■

STORIES Off the Daf

Man or Angel?

"כל שאינו בכירה אחד בסוף העולם"

Someone once asked the Ben Ish Chai, "According to tradition, Eliyahu Hanavi occasionally comes down to this world and appears as a person to learn with the chachamim. Does he have the halachah of a human being when he is here or not? Can he be the tenth man in a minyan, for example?"

The Ben Ish Chai replied, "Although he sometimes appears to a

select few in human form, he definitely has the halachah of an angel. We can learn this from the halachah of **טומאת התהום**, a completely unknown and hidden source of tumah that only came to light later on. Even if a nazir came in contact with such a source of tumah, it doesn't disqualify him if he only found out about it after he completed his nezirus and shaved. The Rambam rules like the Beraisa brought in Nazir 63 that if anyone in the entire world knows about this impurity, it is not a **טומאת התהום** and the nazir is defiled from when he came into contact with it even if he only found out

later.

The Ben Ish Chai continued, "Eliyahu Hanavi surely knows about all tumah in the world. If he really has the halachic status of a person, then there could never be a **טומאת התהום** from the time he went up to heaven in a fiery chariot. Since he sometimes comes to this world and he knows about all tumah, it must be that he has the halacha of an angel and not a person.

The Ben Ish Chai concluded, "May it be the will of Hashem that his merit guard us, **כן יהי רצון**, ! אמנו, ■

