

ורבי אליעזר, דאָתני עשה ודחי את לא תעשה מנליה? יליף מגדילים. דתנא: "לא תלבש שעטניו"

The Gemara asks: **And Rabbi Eliezer, from where does he derive the general principle that a positive mitzva will come^N and override a prohibition?** The Gemara answers: **He derives it from the mitzva of ritual fringes. As it is taught in a *baraita*: This verse: "You shall not wear diverse kinds of wool and linen" (Deuteronomy 22:11),**

NOTES

And Rabbi Eliezer, from where does he derive that a positive mitzva will come, etc. – רבי אליעזר דאָתני עשה וכו' – Rabbi Eliezer cannot derive this principle from the fact that the verse states: "His beard," in connection to a leper, as it is possible that this verse is required to teach that even a leprous priest must shave his beard (Commentary on *Nazir*). The commentaries explain that "his beard" is necessary to include priests, as one might have thought that they are not permitted to shave at all, because they are subject to special stringencies (*Tosafot*). Others add that one cannot derive this general principle from the fact that the positive mitzva of shaving a leper overrides the prohibitions of a nazirite or a priest.

In the case of a nazirite, one can say that this is because his

vow can be dissolved by a halakhic authority, while the prohibition of a priest is considered a light prohibition, as it does not apply to all people (Commentary on *Nazir*). One suggestion is that the very fact that Rabbi Eliezer interprets "his beard" as referring to priests indicates that he must have an alternative source for the principle that a positive mitzva overrides a prohibition, as otherwise he would have explained that "his beard" comes to permit the shaving of the beard of a regular person, which is a case of one positive mitzva overriding a single prohibition. Evidently, Rabbi Eliezer must have a different proof for the general principle, which is why he derives from "his beard" that the mitzva of shaving a leper overrides both the prohibitions and the positive mitzvot of a priest (*Tosafot*).

Perek VI
Daf 42 Amud a

HALAKHA

You shall make for yourself fringes – גְּדִילִים תַּעֲשֶׂה לָךְ – By Torah law it is permitted to use woolen ritual fringes in a linen garment, as the prohibition of diverse kinds of cloth does not apply to the mitzva of ritual fringes. However, the Sages decreed that one should not do so, in case he wears the garment at night, when ritual fringes are not obligatory. In that case he would be transgressing the prohibition against wearing diverse kinds of cloth without fulfilling a mitzva (Rambam *Sefer Ahava, Hilkhot Tzitzit* 3:7).

NOTES

Rav Aḥa...said, etc. – אָמַר רב אַחָא וכו' – Some early commentaries have a different version of this discussion, which reads as follows. Rav Aḥa said: They taught this only with regard to an impure nazirite, but with regard to a pure nazirite, no, i.e., it is sufficient to shave most of his hair. From where do we learn this? From the fact that the Torah revealed with regard to an impure nazirite: "He shall shave it," which indicates that in the case of a pure nazirite the majority of his head is like all of it. They laughed at it, i.e., this reasoning, in the West. These early commentaries claim that this version is preferable to that of the standard text of the Gemara, which entails several difficulties, not all of which have been resolved satisfactorily.

הא "גדילים תעשה לך" מהם.

indicates that fringes in the mitzva stated in the adjacent verse: "You shall make for yourself fringes"^H (Deuteronomy 22:12), can be from them, wool and linen. By juxtaposing the mitzva of ritual fringes to the prohibition against diverse kinds of cloth, the Torah teaches that the positive mitzva of ritual fringes, which includes dyed blue wool, overrides the prohibition against diverse kinds of cloth, i.e., one may attach woolen ritual fringes to a linen garment. From here one derives the general principle that a positive mitzva overrides a prohibition.

אָמַר מֶר: וְכוּלָם שְׁגִילוּחוּ שְׁלֵא בְּתַעַר, אוֹ שְׁשִׁירוּ שְׁתֵּי שְׁעָרוֹת – לֹא עָשׂוּ וְלֹא כְלוּם. אָמַר רב אַחָא בְּרִיה דְּרַב אִיקָא: וְלֹא אוֹמְרַת רִוּבוּ כְּכוּלוּ מְדֹאֲרִינָא.

S The Gemara returns to the mishna that teaches that nazirites, lepers, and Levites must shave their hair. **The Master said above: And with regard to all of them, if they shaved with an implement other than a razor, or if they left two hairs uncut, they have done nothing. Rav Aḥa, son of Rav Ika, said:^N That is to say that the principle: The majority of an entity is considered like all of it, applies by Torah law.**

מִמָּאִי – מְדִגְלִי רַחֲמֵנָא גְבִי נְזִיר בְּיִום הַשְּׁבִיעִי יִגְלַחְנוּ; הֲכָא הוּא דְעַד דְּאִיקָא כּוּלוּ, הָא בְּעֵלְמָא – רִוּבוּ כְּכוּלוּ.

The Gemara asks: **From where** do we learn this? The Gemara explains: This principle is derived from the fact that the Merciful One revealed in the Torah and specified with regard to a nazirite: "On the seventh day he shall shave it" (Numbers 6:9), despite the fact that the same verse already stated: "And he shall shave his head on the day of his cleansing." This teaches that it is only in this case here that he does not fulfill the mitzva of shaving until there is the removal of all of it, i.e., shaving part of his head is insufficient. This shows that in general the majority of an entity is like all of it.

מִתְקִיף לָהּ רַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא: הָאִי בְּנְזִיר טָמֵא כְּתִיב! מִחֲכוּ עֲלֶהּ בְּמַעֲרָא: מִכְּדִי נְזִיר טָמֵא דְּבִתְעַר מְנַלְן – מִנְזִיר טָהוֹר יְלִיף. לִיתֵי נְזִיר טָהוֹר וְלִילֵף מִנְזִיר טָמֵא: מַה טָמֵא כִּי שִׁיר שְׁתֵּי שְׁעָרוֹת – וְלֹא כְלוּם עֲבַד! הֲכָא נִמְי, כִּי שִׁיר שְׁתֵּי שְׁעָרוֹת – וְלֹא כְלוּם עֲבַד.

Rabbi Yosei, son of Rabbi Ḥanina, objects to this assertion. This verse: "On the seventh day he shall shave it," is written with regard to a ritually impure nazirite, not a pure one, whereas the *halakha* in the mishna applies even to a pure nazirite. This shows that the above inference is invalid. **They laughed at this difficulty in the West, i.e., Eretz Yisrael: After all, from where do we derive the halakha that an impure nazirite shaves with a razor? It is derived from the halakha of a pure nazirite. If so, let the case of a pure nazirite come and derive the following halakha from the case of an impure nazirite: Just as with regard to an impure nazirite, if he leaves two hairs he has done nothing, here too, if a pure nazirite leaves two hairs he has done nothing.**

And shaved one and the other one fell out – וְגִילַח וְנִשְׂרָה אֶחָת: The two sides of the dilemma are as follows: Since he had two hairs when he came to shave, the removal of the first one constitutes an act of shaving, and when the other one falls out he is considered shaven, thus fulfilling his mitzva. Alternatively, the act of shaving consists of the removal of at least two hairs, and therefore he does not fulfill the obligation by cutting off the first hair.

One fell out and he shaved the other one – נִשְׂרָה אֶחָת וְגִילַח אֶחָת: The question here is whether he is considered entirely shaven when one hair falls out, as the remaining hair is not sufficient to give him the status of one who is unshaven. If so, his act of shaving the last remaining hair is of no account, and he has not performed the obligation of shaving, as it was not his action that rendered him as shaven (Commentary on *Nazir*). Other commentaries explain that here too the key factor is the definition of the minimum amount of shaving: Since the act of shaving consists of shaving at least two hairs, if one of them falls out then the removal of the other is of no consequence, and therefore he has not fulfilled the obligation (*Tosafot*; *Rosh*).

There is no mitzva of shaving here – מִצְוַת גִּילּוּחַ אֵין: Some commentaries maintain that he does fulfill the obligation after the fact, although he has not performed it in the proper manner (Commentary on *Nazir*). Several later authorities discuss the possibility that he might have to shave again later to fulfill the mitzva (see *Hazon Ish*). There are also those who claim that he must wait seven days for his hair to grow again before he can sacrifice his offerings (Meiri, citing *Tosafot*; see 39b).

Shampoo [*hofef*] and separate [*mefasfes*] – חוּפֵף וּמְפַסֵּף: According to some commentaries, the term *hofef* means that he can scratch his head (*Arukh*), and others (Rambam's Commentary on the Mishna) add that the term *mefasfes* refers to the use of fingernails or an implement. Alternatively, the term *hofef* refers to washing the head of the hair with dirt, whereas the word *mefasfes* means to part hairs manually (*Tosafot*; *Rosh*).

Anyone who combs intends to remove stray hairs – כָּל-הַסּוֹרֵק לְהַסִּיר נִמְיָן מְדוּלְדָלוֹת מִתְבָּוִין: Some commentaries explain that the removal of hair is considered an inevitable outcome of the act of combing, and Rabbi Shimon concedes that an act with an unintended or undesired outcome is prohibited if its outcome is inevitable (see *Ketubot* 6a). However, later authorities point out that Rabba's comments indicate otherwise, as he mentions an actual intention to remove stray hairs. Some commentaries say that Rabba maintains that Rabbi Shimon is lenient in all cases where the outcome is not intended, even if that outcome is inevitable. Consequently, Rabba insists that in this instance the nazirite does have this aim in mind (*Sefat Emet*). Another possibility, which combines elements of the other opinions, is that Rabbi Shimon agrees that one is liable if an unintended outcome is inevitable; however, he maintains that because the removal of hair with a comb is considered an undesired outcome for a nazirite, it is permitted. Rabba therefore states that the nazirite performing this action intends to remove his strands of hair.

LANGUAGE

Separate [*mefasfes*] – מְפַסֵּף: From the doubled root *peh*, *samekh*, *peh*, *samekh*, meaning to partition or divide something into parts. Accordingly, *mefasfes* refers to separating entwined hairs.

בְּעֵי אַבְיֵי: נוֹיֵר שְׂגִילַח וְהִנִּיחַ שְׁתֵּי שְׂעָרוֹת, צִמַּח רֹאשׁוֹ וְחָזַר וְגִילַח, מֵהוּ? מִי מְעַבְבֵי אִו לֹא?

On the same topic, Abaye raised a dilemma: With regard to a nazirite who shaved and left two hairs, which is not considered an act of shaving, if the hairs of his head grew and he again shaved, this time those two hairs alone, what is the *halakha*? Do these hairs invalidate the fulfillment of his obligation or not? Has he now completed his initial act of shaving, or is the shaving of two hairs from a head full of hair of no significance, and he must now shave his entire head?

בְּעֵי רַבָּא: נוֹיֵר שְׂגִילַח וְהִנִּיחַ שְׁתֵּי שְׂעָרוֹת, וְגִילַח אֶחָת וְנִשְׂרָה אֶחָת, מֵהוּ? אָמַר לִיהִי רַב אַחָא מְדִיפְתֵי לְרַבִּינָא: גִּילַח שְׂעָרָה שְׂעָרָה קָא מִיבְעֵי לִיהִי לְרַבָּא?

Similarly, Rava raised a dilemma: With regard to a nazirite who shaved and left two hairs,^h and afterward shaved one of them, and the other one fell outⁿ of its own accord, what is the *halakha*? Is this considered shaving one's entire head or not? Rav Aha of Difti said to Ravina: Is Rava raising a dilemma as to whether one can shave his head one hair by one hair? How does this case differ from that of one who shaves his entire head one hair at a time, which is a fulfillment of his obligation?

אָלָא אֵימָא: נִשְׂרָה אֶחָת וְגִילַח אֶחָת, מֵהוּ? אָמַר לִיהִי: גִּילּוּחַ אֵין כָּאן, שְׂעָרָה אֵין כָּאן. אֵי שְׂעָרָה אֵין כָּאן – גִּילּוּחַ יֵשׁ כָּאן! הֲכִי קָאָמַר: אֵף עַל פִּי שְׂשַׁעֵר אֵין כָּאן – מִצְוַת גִּילּוּחַ אֵין כָּאן.

Rather, say that the dilemma is as follows: If one hair fell out and he shaved the other one,ⁿ what is the *halakha*? Has he performed the obligation of shaving if there was only one hair left when he came to shave? Ravina said to him: In that case there is no shaving here; there is no hair here. The Gemara expresses surprise at this expression: If there is no hair here, then there is shaving here, as no hair remains. The Gemara explains: This is what he said: Even though there is no hair here, as only one hair remains, nevertheless there is no fulfillment of the mitzva of shaving here,^{nh} as he failed to shave it all on the first attempt, and the second time he shaved less than the required amount.

מִתְנִי נוֹיֵר חוּפֵף וּמְפַסֵּף, אָבָל לֹא סוֹרֵק.

MISHNA A nazirite may shampoo [*hofef*] his head and separate [*mefasfes*]^{nlh} his hairs manually, without concern that hairs might fall out. However, he may not comb his hair.

גַּמ' חוּפֵף וּמְפַסֵּף מִנִּי? רַבִּי שְׂמַעוֹן הִיא, דְּאָמַר: דְּבַר שְׂאֵין מִתְבָּוִין מוֹתֵר. "אָבָל לֹא סוֹרֵק" אֶתְאָן לְרַבָּנִין.

GEMARA The Gemara clarifies: Who is the *tanna* who maintains that a nazirite may shampoo and separate his hairs? It is Rabbi Shimon, who says: An unintentional act is permitted.^h Even if hairs do fall out as a result of this action, as he did not intend this to happen the action is permitted. Yet in the latter clause of the mishna, which states: However, he may not comb his hair, we have come to the opinion of the Rabbis. Although this nazirite also does not intend to tear out any hair when he combs it, it is nevertheless prohibited.

רִישָׁא רַבִּי שְׂמַעוֹן וְסִיפָא רַבָּנִין! אָמַר רַבָּה: בּוֹלָה רַבִּי שְׂמַעוֹן הִיא, כָּל הַסּוֹרֵק – לְהַסִּיר נִמְיָן מְדוּלְדָלוֹת מִתְבָּוִין.

This leads to a surprising conclusion, that the first clause represents the opinion of Rabbi Shimon and the latter clause is the opinion of the Rabbis. Rabba said: The entire mishna is in accordance with the opinion of Rabbi Shimon, as he maintains that anyone who combs his hair intends to remove stray hairs,ⁿ and therefore this is considered an intentional act.

HALAKHA

A nazirite who shaved and left two hairs – נוֹיֵר שְׂגִילַח וְהִנִּיחַ שְׁתֵּי שְׂעָרוֹת: If a nazirite left two hairs after shaving, and when the hair on his head grew again either he shaved it all off, including those two hairs, or he shaved one of them and the other fell out, he has fulfilled the obligation of shaving. This is because the Gemara's inquiry with regard to one who shaved those two hairs indicates that if he shaved his entire head he has fulfilled his obligation (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:7 and *Kesef Mishne* there).

There is no mitzva of shaving here – מִצְוַת גִּילּוּחַ אֵין כָּאן: If there were two hairs left on the head of a nazirite, and he shaved one and the other fell out, he has not fulfilled the obligation of shaving (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:7).

A nazirite may shampoo and separate, etc. – נוֹיֵר חוּפֵף וּמְפַסֵּף, אָבָל לֹא סוֹרֵק.

וכו': A nazirite is permitted to wash his hair by hand and rub it with his fingernails, without concern that this might cause a hair to fall off, as he does not have this intention in mind. However, he may not comb or wash his hair with earth, as that will certainly remove some hair. If he did so, he is not liable to receive lashes (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:14).

An unintentional act is permitted – דְּבַר שְׂאֵין מִתְבָּוִין מוֹתֵר: This principle is stated mainly with regard to the *halakhot* of prohibited labor on Shabbat: If performing an action that is permitted on Shabbat might incidentally entail a violation of the *halakhot* of Shabbat, he may perform the permitted action, provided that he does not intend thereby to produce the prohibited outcome, in accordance with the opinion of Rabbi Shimon (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 1:5).

BACKGROUND

Shampoo – יחוף: In ancient times, when there was no suitable soap available for washing and hygiene, people used various oil-dissolving materials to shampoo their heads and hair. Plants such as aloe, and minerals such as soda carbonate, usually mined from natural deposits of natron, were suitable for this purpose. The coarseness of the minerals and the amount of earth they contained generally led to the removal of some hairs.



Natural natron deposit

NOTES

He may not shampoo with earth – לֹא יְחוּף בְּאֲדָמָה – Rabbiinu Azriel, cited in the *Shita Mekubbetzet*, presents an alternate version of the text, which reads: He may not even shampoo with earth. He explains that Rabbi Yishmael disagrees with the opinion stated in the previous mishna, and maintains that shampooing is prohibited even if he does not desire the outcome. Others explain that Rabbi Yishmael's reason is that earth inevitably removes hair. This does not contradict the ruling in the previous mishna, and therefore it is possible that there is no dispute here at all (Rambam; see Meiri).

מתני' רבי ישמעאל אומר: לא יחוף באדמה, מפני שמשרת את השער.

גמ' איבעיא להו: מפני שהיא משרת את השער, תנן, או דלמא מפני המשרת תנן? למאי נפקא מינה,

בגון דאיכא אדמה דלא מתרא; אי אמרת 'מפני שהיא משרת' תנן, היכא דידענן דלא מתרא – שפיר. אלא אי אמרת מפני המשרת – כלל כלל לא תיקו.

מתני' נזיר שהיה שותה יין כל היום – אינו חייב אלא אחת. אמרו לו "אל תשתה" "אל תשתה", והוא שותה – חייב על כל אחת ואחת. היה מגלח כל היום – אינו חייב אלא אחת. אמרו לו "אל תגלח" "אל תגלח", והוא מגלח – חייב על כל אחת ואחת. היה מטמא למתים כל היום – אינו חייב אלא אחת. אמרו לו "אל תטמא" "אל תטמא", והוא מטמא – חייב על כל אחת ואחת.

MISHNA Rabbi Yishmael says: A nazirite may not shampoo^B his hair with earth^N because this causes the hair to fall out.

GEMARA A dilemma was raised before the Sages: What is the precise wording of the mishna? Do we learn: Because it removes^H hair, i.e., earth in general removes hair, or do we perhaps learn: Because of that which removes hair. In other words, although some types of earth do not remove hair, it is prohibited to use these as well, due to those types that do remove hair. The Gemara inquires: What is the difference of this textual question?

The Gemara explains: There is a difference in a case where there is a type of earth that does not remove hair. If you say that we learned in the mishna: Because it removes hair, then in a case where we know that it does not remove hair it is fine to shampoo with that substance. However, if you say the text reads: Because of that which removes hair, this indicates that the Sages prohibited using any type of earth, due to the type that removes hair. If so, a nazirite may not shampoo his head with any earth at all, not even if it does not remove hair. No answer was found, and the Gemara says that the dilemma shall stand unresolved.

MISHNA A nazirite who was drinking wine all day^H is liable to receive only one set of lashes. If people said to him during the course of the day: Do not drink,^H do not drink, and nevertheless he continues to drink, he is liable for each and every time he was warned. If a nazirite kept shaving all day,^H he is liable to receive only one set of lashes. If they said to him: Do not shave,^H do not shave, and he shaves, he is liable for each and every time he was warned. If he became ritually impure from a corpse^H many times all day, he is liable to receive only one set of lashes. If they said to him: Do not become impure,^H do not become impure, and he continues to become impure, he is liable for each and every time he was warned.

HALAKHA

Because it removes – מפני שהיא משרת: A nazirite may not wash his hair with earth, as this will certainly lead to the removal of hair. The halakha is in accordance with the first suggested reading of the mishna, which says that only substances that will certainly remove hair are forbidden. This follows the principle that one is lenient with regard to uncertainties involving rabbinic law (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:14, and *Kesef Mishne* there).

Was drinking wine all day, etc. – היה שותה יין כל היום וכו': A nazirite who kept drinking wine all day long but was warned only once receives a single set of lashes for violating the prohibition against drinking wine, although he is liable to Heaven for each quarter-log he drinks. For violating the prohibition in the verse "he shall not profane his word" (Numbers 30:3) he receives an additional set of lashes (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:10).

They said to him, do not drink – אמרו לו אל תשתה: If a nazirite was warned against drinking a quarter-log of wine multiple times by witnesses who instructed him each time: Do not drink, do not drink, and he drank anyway, he is liable for each quarter-

log for which he received a warning (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:10; see *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 14:7).

If he kept shaving all day – היה מגלח כל היום: A nazirite who shaved his entire head is liable for only a single act of shaving (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:13).

If they said to him, do not shave – אמרו לו אל תגלח: If a nazirite was warned for each hair: Do not shave, do not shave, he is liable for each and every hair he shaves (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:13).

If he became ritually impure from a corpse – היה מטמא למתים: If a nazirite became impure from a corpse many times, he is flogged only once, although he is liable to Heaven for each act (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:16).

If they said to him, do not become impure – אמרו לו אל תטמא: If a nazirite was warned: Do not become impure, do not become impure, and he proceeded to become impure regardless, he is liable for each and every impurity for which he received a warning (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:16).

גמ' איתמר, אמר רבה אמר רב הונא: מקרא מלא דבר הכתוב "לא ישמא", כשהוא אומר "לא יבא" – להזהירו על השומא, להזהירו על הביאה. אבל טומאה וטומאה – לא.

ורב יוסף אמר: האלהים! אמר רב הונא אפילו טומאה וטומאה. דאמר רב הונא: נזיר שהיה עומד בבית הקברות, והושיטו לו מתו ומת אחר, ונגע בו – חייב. אמאי? הא מיטמא וקאים! אלא לאו שמע מינה, אמר רב הונא אפילו טומאה וטומאה.

איתיביה אבמי: בהן שהיה לו מת מונח על כתפו, והושיטו לו מתו ומת אחר, ונגע בו, יכול יהא חייב – תלמוד לומר "ולא יחלל" – במי שאינו מחולל, יצא זה שהוא מחולל ועומד.

אמר ליה: ותיקשי לך מתניתין, דתנן: היה מיטמא למתים כל היום – אינו חייב אלא אחת, אמרו לו "אל תטמא" – אל תטמא – חייב על כל אחת ואחת. ואמאי? הא מיטמא וקאים.

אלא קשיא אהדדי. לא קשיא; כאן בחיבורין, כאן – שלא בחיבורין.

GEMARA A dispute among *amora'im* was stated.

Rabba said that Rav Huna said: The Torah stated a *halakha* involving a nazirite in a categorical verse: "He shall not become impure for his father, or for his mother, for his brother, or for his sister, when they die" (Numbers 6:7). This includes all manners of contracting impurity imparted by a corpse, whether ritual impurity imparted by contact, by carrying, or in a tent, i.e., a corpse under the same roof. When the Torah states: "He shall not come near to a dead body" (Numbers 6:6), it serves to warn him with regard to contracting impurity from a corpse in any manner, as above, and to warn him with regard to enteringⁿ an enclosure with a corpse, which is a unique prohibition applicable to a nazirite that is added by the phrase "He shall not come near to a dead body," and he is liable separately for each. However, with regard to one contracting impurity from a corpse and again contracting impurity from a corpse, the verse does not warn him, and he is liable to receive only one set of lashes.

And Rav Yosef says in the form of an oath: By God! Rav Huna actually says that he is separately liable even for contracting impurity from a corpse and again contracting impurity from a corpse, not only if he entered an enclosure with a corpse. As Rav Huna says: With regard to a nazirite who was standing in a cemetery, who is already ritually impure, and they extended his corpse, i.e., the corpse of his relative, to him, and similarly if they extended a different corpse to him and he touched it, he is liable. But why is he liable; he has already become impure and is standing in his state of impurity? Rather, isn't it correct to conclude from this that Rav Huna said he is separately liable even for contracting impurity from a corpse and again contracting impurity from a corpse?

Abaye raised an objection to Rav Yosef from a *baraita*: With regard to a priest who had a corpse^{nh} placed on his shoulder, and they extended his corpse, i.e., the corpse of his relative, to him, and similarly if they extended a different corpse to him and he touched it, one might have thought that he should be liable even for this contact. Therefore, the verse states, with regard to the prohibition against a High Priest becoming impure: "And he shall not profane the Sanctuary of his God" (Leviticus 21:12). This teaches that the prohibition of impurity applies to one who is not yet profaned, excluding this one who is already profaned and standing in that state of ritual impurity.

Rav Yosef said to him: But if, as you claim, one is not liable for contracting one impurity after another, the mishna should pose a difficulty for you. As we learned in the mishna: If a nazirite became ritually impure from corpses many times all day, he is liable to receive only one set of lashes. If they said to him: Do not become impure, do not become impure, and he continues to become impure, he is liable for each and every time he was warned. But why should this be so? He has already become impure and is standing in his state of impurity.

Rather, the mishna and *baraita* pose a difficulty for each other. The Gemara answers: This is not difficult, as here the *baraita* is referring to a concurrent contact with impurity,^h i.e., when he touched the second corpse he was still in contact with the first, so he is not liable for the second impurity. Conversely, there the mishna is referring to impurity that was not a concurrent contact. He touched the second corpse only after he had separated himself from the first, and therefore he is liable for each impurity.

NOTES

להזהירו על הביאה – To warn him with regard to entering – Some commentaries explain that according to the opinion of Rabba, two separate prohibitions are involved here, a general one concerning any ritual impurity imparted by a corpse, and a special warning against entering an enclosure with a corpse. Consequently, if a nazirite entered an enclosure with a corpse after he already came into contact with a corpse, he is liable for the second action as well, despite the fact that he was already impure (Commentary on *Nazir*). Others say that Rabba maintains that if a nazirite was warned with regard to both contracting impurity from a corpse and entering an enclosure with a corpse before he violated both warnings simultaneously by entering an enclosure containing a corpse, he is liable to receive two sets of lashes (*Tosafot*). Yet others interpret this statement as a limitation: Although the mishna rules that he is flogged for each and every impurity, this *halakha* applies only to contracting impurity from a corpse and to entering an enclosure with a corpse (Meiri).

A priest who had a corpse – בהן שהיה לו מת – Some commentaries maintain that this refers to a High Priest, as indicated by the verse cited in the Gemara (Commentary on *Nazir*). Others read: A nazirite (*Tosafot*). There is no halakhic difference between these two versions, as the *halakhot* of a nazirite is like that of a High Priest with regard to ritual impurity.

HALAKHA

A priest who had a corpse, etc. – בהן שהיה לו מת וכו' – If a High Priest unlawfully contracted ritual impurity from a corpse and afterward entered a tent with a corpse, he is liable for this entry as well, if he was warned against it. The *halakha* is in accordance with the opinion of Rabba, as Rav Yosef agrees with his ruling (Rambam *Sefer Shofetim, Hilkhot Evel* 3:7).

Here it is referring to a concurrent impurity – כאן בחיבורין – A nazirite is liable to receive lashes for each act of contracting ritual impurity for which he was warned. This applies only if he separated from the corpse between each instance of impurity, or if he carried a corpse or lay over it. However, if he came into contact with one corpse while touching another he is not liable twice, even if he had received a warning with regard to both of them, in accordance with the opinion of Rav Yosef. Some commentaries invoke the principle that *halakha* is generally ruled in accordance with the opinion of Rabba and contrary to that of Rav Yosef. If so, the nazirite is liable only for contracting impurity from a corpse and for entering an enclosure with a corpse in it, as the Gemara's distinction between concurrent impurity in the case of contracting impurity applies only according to the opinion of Rav Yosef (Ra'avad). Others state that the principle that the *halakha* is ruled in accordance with the opinion of Rabba rather than that of Rav Yosef applies only if they engage in a dispute in a specific case itself, whereas here they disagree with regard to the content of Rav Huna's statement. Since Rav Yosef took an oath that he was correct, it can be assumed that he had investigated the matter thoroughly (Rambam *Sefer Shofetim, Hilkhot Evel* 3:4 and *Sefer Hafla'a, Hilkhot Nezirut* 5:16–17).

They stated concurrent impurity only, etc. – לא אָמרו – לֹא אָמְרוּ: By Torah law, one who contracts ritual impurity imparted by a corpse renders someone who touches him impure only until the evening. However, by rabbinic law if the first person is in contact with a corpse at the time, the second is impure for seven days, as though he touched the corpse himself. This rabbinic law is only with regard to *teruma* and offerings, but not with regard to a nazirite or one who performs the ritual of the Paschal offering. The *Mishne LaMelekh* notes that others maintain that by Torah law one who touches a person in contact with a corpse is ritually impure for seven days, and that only a third person who touches the second is impure by rabbinic law (Rambam *Sefer Tahara, Hilkhot Tumat Met* 5:2).

וְטוֹמְאָה בְּחִיבוּרֵין דְּאוֹרֵייתָא? הֲאֵל אָמְרוּ רַב יִצְחָק בַּר יוֹסֵף אָמְרוּ רַבִּי יַנַּאי: לֹא אָמְרוּ טוֹמְאָה בְּחִיבוּרֵין אֲלֵא לְתַרוּמָה וְקִדְשִׁים, אֲבָל לְגוּי וְעוֹשֶׂה פֶסַח – לֹא. וְאֵי אֲמַרְתָּ דְּאוֹרֵייתָא, מֵאֵי שָׁנָא?

כָּאן – בְּחִיבוּרֵי אָדָם בְּאָדָם, כָּאן – בְּחִיבוּרֵי אָדָם בְּמֵת.

אֲבָל טוֹמְאָה וְטוֹמְאָה לֹא, דְּהָא מִיטְמָא וְקָאִים.

טוֹמְאָה וּבִיָּאָה נִמִּי, הֲאֵל מִיטְמָא וְקָאִי אָמְרוּ רַבִּי יוֹחָנָן: כָּאן בְּבֵיתָא.

כָּאן בְּשָׂדֵה.

The Gemara asks: **And this halakha**, that a nazirite is exempt from being flogged for a second contact with a corpse in a case of **concurrent impurity**, does it apply by Torah law?ⁿ **Didn't Rav Yitzhak bar Yosef say that Rabbi Yannai said: They stated the principle of concurrent impurity only^h with regard to partaking of *teruma* and consecrated foods**, i.e., that one who touches a person who is in contact with a corpse is ritually impure with impurity imparted by a corpse for seven days. **However, with regard to a nazirite**, i.e., the question of whether a nazirite is considered ritually impure and has to bring offerings due to this contact, **and with regard to one who performs the ritual of the Paschal offering**, this *halakha* does **not** apply. **And if you say that this halakha applies by Torah law, what is different** between the case of *teruma* and the case of a nazirite?

The Gemara explains that there are two different types of concurrent impurity. **Here**, where there is a difference between *teruma* and a nazirite, it is referring to **concurrent** contact of one **person with another person**.ⁿ If one touched another while the other was in contact with a corpse, the impurity of the first is by rabbinic law. By contrast, **there it is referring to concurrent** contact of a **person with a corpse**.ⁿ One who is touching a corpse is considered linked to impurity by Torah law with regard to his second contact with a corpse.

The Gemara summarizes: The fact that one who is touching a corpse is not liable for contact with a second corpse leads to Rabba's aforementioned ruling: **However**, with regard to contracting **impurity** from a corpse **and** again contracting **impurity** from a corpse, i.e., if a person contracted impurity imparted by a corpse and then touched another corpse while still in contact with the first corpse, he is **not** liable for the second impurity, **as he has already become impure and is standing** in his state of ritual impurity.

The Gemara asks: If so, with regard to **impurity and entering** one should say **likewise**, that when he enters an enclosure containing a corpse when he is in contact with a corpse, **he has already become impure and is standing** in his impurity. Why should he be flogged again for entering the enclosure? **Rabbi Yoḥanan said**: In the case of impurity and entering one must again distinguish between two instances: **Here**, where Rav Huna said that one will be liable for both contractions of impurity, it is referring to one who was pure and who went **into a house** that contained a corpse, rendering him liable twice. The entering the house and the ritual impurity imparted by a corpse in a tent, i.e., to that which is under the same roof, occurred simultaneously, and therefore he is liable twice, once for contracting ritual impurity and once for violating the particular prohibition against a nazirite entering an enclosure with a corpse in it.

Whereas **there**, where he is liable only once, it is referring to one who was **in a field**. In other words, if a nazirite touched a corpse in a field and subsequently entered an enclosure with a corpse in it while he was still in contact with the first corpse, he is not liable separately for that entering, as he was already ritually impure.

NOTES

וְטוֹמְאָה בְּחִיבוּרֵין – דְּאוֹרֵייתָא: The concept of concurrent impurity involves several different cases. One type is a person who touches a source of impurity while still in contact with another source of impurity. A different category is that of one who touches another who is in contact with a corpse. Apparently, these are two separate concepts which share a common name. The commentaries explain that when the Gemara asks this question it assumes that concurrent impurity is a broad concept which means that whoever holds ritual impurity in his hands is considered like the impure item itself. Consequently, he cannot be become impure again and one who touches him has effectively touched the source of the impurity itself. The answer of the Gemara is that there is a difference between the two issues (Meiri).

Concurrent contact of one person with another person – חִיבוּרֵי אָדָם בְּאָדָם: Some commentaries explain that this refers to one who is touching a corpse while another is touching the first (Commentary on *Nazir*). The first person is ritually impure to the first degree, while the second person is impure for seven days by rabbinic law. Others have a version of the text that reads: Here it is referring to concurrent impurity with regard to vessels. The vessels are ritually impure for seven days because they were touched by a person who was in contact with a corpse (Meiri). Yet others explain that this refers to three people. The first is in contact with a corpse, the second is touching the first, and the third touches the second. It is this third person whose impurity is referred to as concurrent impurity, which lasts for seven days by rabbinic law (*Tosafot*; Rabbeinu Peretz; Rabbeinu Todros).

חִיבוּרֵי אָדָם – בְּמֵת: Some commentaries explain that the one touching the corpse has already become ritually impure, and he is not liable again if he comes into contact with another corpse (Commentary on *Nazir*). If so, he is not considered in contact with a corpse by Torah law. Others maintain that someone in contact with a corpse renders one who touches him impure by Torah law. Only a third person, i.e., one who touches a person who himself is touching a third who is in contact with a corpse, is impure for seven days by rabbinic law (*Tosafot*).