



OVERVIEW of the Daf

1) Cutting one's self (cont.)

The Gemara explains how R' Yosi could derive two prohibitions from the same verse.

Shmuel rules that one who makes a seritah cut with an instrument is liable.

This ruling is unsuccessfully challenged.

A Beraisa is cited that differentiates between cutting oneself in response to a death and cutting oneself as a form of worship to an idol.

In response to a challenge the Gemara slightly revises the Beraisa.

2) Clarifying the Mishnah

R' Sheishes showed his students where the corners of one's head and beard are located.

The Gemara explains that R' Eliezer maintains that all five corners of one's beard are considered one prohibition.

A Beraisa elaborates on the parameters of the prohibition against shaving the five corners of one's beard.

The basis of R' Eliezer's dissenting opinion is explained.

3) **MISHNAH:** The Mishnah discusses the guidelines of the prohibition against making a tattoo.

4) R' Shimon ben Yehudah's position

R' Acha the son of Rava explains that according to R' Shimon ben Yehudah one violates the prohibition against making a tattoo only if he inscribes the name of an idol.

R' Malkiya in the name of R' Ada bar Ahava rules that one may not put ashes on a wound since it gives the appearance of a tattoo.

R' Nachman the son of R' Ika identifies which rulings are from R' Malkiyo and which are from R' Malkiya.

R' Pappa presents a different opinion regarding who taught which halachos and the Gemara explains the practical difference between these two opinions.

R' Bibi bar Abaye was careful to avoid putting ashes on the puncture of a needle but R' Ashi maintained it was not an issue

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Distinctive INSIGHT

The process and intent of a prohibited tattoo

הכותב כתובת קעקע כתב ולא קעקע, קעקע ולא כתב אינו חייב

The Mishnah continues to list cases which are liable for lashes. The Torah prohibits inscribing a tattoo upon one's body (Vayikra 19:28). The Mishnah teaches that if one writes but does not inject the ink below his skin, or if he scrapes his skin without having any ink enter below it, he is not culpable. The violation is only in effect when one places ink upon his skin and then punctures the skin to allow the ink to enter below it. Rashi on the Torah explains that this is an act which results in a permanent mark upon one's body.

Rib"z writes that this prohibition only applies where one first places the ink on his skin and then cuts his skin with a pin or knife to allow the ink to enter below the surface of the skin. This also suggests that it is only prohibited when a tool is used to cut the skin, and not where the skin is broken by one's hand. Ritva, however, explains that this is prohibited even without using a tool to cut the skin.

Rambam (Hilchos Avoda Zara 12:11), Shulchan Aruch (Y.D. 180:1) describe the act being where one cuts his skin, and then injects colors which make a permanent mark. Minchas Chinuch (Mitzvah 153:1) explains that Rambam would hold that the act is no longer a Torah violation if the procedure is done in the reverse manner. ש"ך and ב"ח, in their comments to Shulchan Aruch (ibid.) write that even according to Rambam, the order is not critical, and one would be liable whether he inscribed a tattoo one way or the other.

Aruch LaNer cites a Tosefta (3:9) which states that the prohibition of making a tattoo is only when it is done for the sake of idolatry. He notes, however, that the poskim do not mention this detail at all in their presentation of this halacha, and it seems that this is prohibited even without having idolatrous intent.

The Tosefta rules that one would not be liable if he inscribes a tattoo upon his slave as an identifying mark so that he should not run away. This is also the ruling of Shulchan Aruch (ibid., 180:4). Sefer P'ruṣ (E.H. 124:#30) explains that the Torah only prohibits this where one inscribes a tattoo for the purpose of having a mark or design on his body, as this was the manner of the nations of the world. Here, however, the intent is to secure his slave's location, and it is similar to a מלאכה שאינה צריכה לגופה. Rema writes that לכתחילה, one should not inscribe such a tattoo upon one's slave. Be'ur HaGra explains that Rema's reluctance is that although the master's intent is not for idolatry, this is not better than the case of אפר מקלה, which should not be placed upon one's wound unless it is obvious that the coloring was placed to treat the wound. ■

REVIEW and Remember

1. Explain מחיצה לקלוט דרבנן.
2. How do we know that one is liable even for making a bald spot on top of his head?
3. How much hair must one remove on Shabbos to be liable?
4. What is considered the corner of the beard?

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HALACHAH Highlight

Writing on one's skin with ink

כתב ולא קעקע קעקעולא כתב אינו חייב

One who writes but does not scratch or scratches but does not write is not liable

The Mishnah teaches that a person does not receive lashes if he put ink on his skin but does not make a scratch for it to enter or if he scratched his skin but did not put ink on his skin to enter the scratch. Tosafos¹ writes that although Biblically one is not liable unless he puts ink into a scratch, one who writes with ink on his skin violates a Rabbinic injunction. This is evident from our Gemara that rules that putting ashes into a scratch is Rabbinically prohibited since it gives the appearance of a tattoo. Similarly, writing with ink on one's skin gives the appearance of a tattoo and is thus prohibited.

Minchas Chinuch² cites Mishnas Chachamim who asserts that according to Rambam one who merely writes on his skin without scratching the ink into the skin does not violate even a Rabbinic injunction. One proof to this is that Rambam does not write that one who merely writes on his skin is liable to Rabbinic lashes – מכת מרדות. Minchas Chinuch takes issue with this proof asserting that Rambam does not mention Rabbinic lashes for every case where one violates a Rabbinic injunction. Furthermore, since Rambam uses the word פטור—exempt – when discussing one who writes on his skin he implies that it is Rabbinically prohibited. He adds, however, that the Rabbinic injunction is violated only when one writes with permanent ink that will last forever. If the ink is not permanent one does not even violate a Rabbinic prohibition.

Shevet Halevi³ asserts that the only Rabbinic prohibition is when a person scratches his skin but does not fill the scratch with ink or if he fills an existing scratch with ink. To write on one's skin, however, does not even violate a Rabbinic prohibition. Rav Shlomo Zalman Auerbach⁴ also maintains that it is permitted for a person to write on his skin with a pen and the act does not vio-

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since the wound proves that it is not a tattoo.

5) **MISHNAH:** The Mishnah discusses three different prohibitions and presents the guidelines to determine whether the violator is liable to multiple punishments or only one punishment. The Mishnah concludes with a case in which one act carries multiple punishments.

6) Shaatnez

R' Bibi in the name of R' Yosi asserts that one receives lashes even for just putting his arm in and out of a shaatnez shirt.

R' Acha the son of R' Ika demonstrated this act for his students.

R' Ashi holds that even if he allows the garment to remain on for the time it takes to remove the garment he is liable.

7) Kilayim

R' Yannai maintains that covering mixed seeds with dirt makes one liable for planting kilayim.

R' Yochanan questioned the novelty of this ruling since it seems to be a ruling in the Mishnah.

R' Yannai defends his position.

Reish Lakish explains to R' Yochanan how the Mishnah could have been understood differently.

8) Multiple prohibitions for plowing one furrow

Ulla suggests a ninth prohibition that could be violated in the same scene described in the Mishnah.

R' Nachman responds that the Tanna did not present an exhaustive list of all the prohibitions.

Ulla and Rava discuss whether plowing and sowing on Yom Tov constitute separate transgressions.

Abaye challenges Rava's assertion that there is no separation of melachos with regard to Yom Tov. ■

late even a Rabbinic prohibition. The basis for his lenient approach is that the ink is not permanent. ■

1. תוס' גיטין כ: ד"ה בכתובת קעקע
2. מנחת חינוך מצוה רנ"ג אות א'
3. שו"ת שבט הלוי ח"ג סי' קי"א אות א'
4. מובא דבריו בנשמת אברהם יו"ד סי' ק"פ סק"א ■

STORIES Off the Daf

Broken Shards

אי לאו דדלאי לך חספא מי משכחת מרגניתא תותיה

On today's daf, Rav Yanai makes a seemingly strange statement to Rav Yochanan: "If I had not lifted the pottery, would you have found the pearl beneath it?"

Tosafos wonders why Rav Yanai specifically chose to use pottery as a metaphor for a place where a gem is concealed. Why would one find gems beneath shards of pottery?

Rabbeinu Tam explains that on the ocean floor there are rocks which appear to be large shards of pottery under which are large precious pearls. We find a similar expression in Bava Kama 91: "You swam in such deep waters and all you brought up was mere pottery."¹ That which is precious is understood to be secreted within something of little value—mere refuse.

The Baal Shem Tov used this concept to explain why it is said that great spiritual light can be found during the three weeks of Bein Hameitzarim.

He said, "If a person has precious

stones, he must be extra careful that they are not stolen from him. But how can he be sure to safeguard them? A wise person will put his greatest treasures where he keeps old and broken-down junk. This is the safest place, since no thief would ever think to look in such lowly places for treasure. Similarly, during the three weeks, when people feel the pain of our lowly status in exile, their hearts are broken and it is much easier to truly connect with God. The treasure is hiding there within the lowly refuse."² ■

1. תוספות במסכת ב"מ דף י"ז ע"ב
2. מובא בבית אברהם ■

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