

Daf Digest for the month of Av is dedicated

ל"ג ר' מנחם מנדל בן ר' יוסף יצחק אייזיק כ"ז מנחם אב תשס"ו בעל המחבר "עטרת אבי" על מסי ביצה ומו"ק מאת משפחת קאהן

OVERVIEW of the Daf

1) **MISHNAH: (cont.)** The Mishnah concludes enumerating the different people who are permitted to cut their hair and launder their clothing on Chol Hamoed.

2) Haircutting and laundering on Chol Hamoed

The rationale behind the restriction against haircutting and laundering on Chol Hamoed is explained.

R' Zeira inquired whether it is permitted for one to cut his hair or launder his garments if he could not do so before Yom Tov because he was looking for a lost item.

Abaye attempts to answer the inquiry.

R' Ashi presents an alternative version of R' Zeira's inquiry but it is left unresolved.

3) Someone who arrived from overseas

Our Mishnah that permits one who arrives from overseas to cut his hair on Chol Hamoed is not following the opinion of R' Yehudah who rules that he may not cut his hair.

Rava suggests an explanation of the dispute.

Rava's explanation is unsuccessfully challenged.

4) Cutting the hair of a newborn

Shmuel rules that it is permitted to cut the hair of a newborn on Chol Hamoed.

The inference from Shmuel's ruling is that if the baby was born before Yom Tov cutting his hair would be prohibited. This inference is unsuccessfully challenged.

A second, opposite, version of this discussion is recorded.

5) Mourning on Chol Hamoed

The Gemara rules that mourning is not observed on Yom Tov or Chol Hamoed.

6) One who is banned—נידוי

The Gemara inquires whether one conducts himself according to the dictates of his ban on Chol Hamoed.

R' Yosef demonstrates that he must follow the restrictions of the ban.

Abaye makes two unsuccessful attempts to refute R' Yosef's conclusion.

7) Metzora

The Gemara inquires whether a metzora must follow the restrictions that accompany his status as a metzora.

Abaye fails in his attempt to answer the inquiry.

Rava demonstrates that the metzora must follow his tzara's restrictions during Chol Hamoed.

8) Haircutting

The Gemara begins to inquire whether a metzora and one who was banned are prohibited to cut their hair. ■

Distinctive INSIGHT

Can someone have his hair cut on Chol Hamoed if he already cut it before Yom Tov?

הכא נמי כדי שלא יכנסו לרגל כשהן מנוולין

The Tur (O.C. # 531) cites the opinion of Rabeinu Tam which states that someone who shaved and had his cut hair before Yom Tov may cut his hair on Chol Hamoed, as well. The reason a restriction was imposed against shaving on Chol Hamoed was to penalize a person who entered the Yom Tov in an unkempt state. In other words, people might have thought to wait until Chol Hamoed, when they hoped to have more time to shave and get a haircut. This would have created a situation where many people would not be properly groomed for the beginning of Yom Tov. Therefore, they had to know that there was no purpose in waiting, because haircuts etc., would be prohibited on Chol Hamoed. Rabeinu Tam rules, however, that anyone who made an effort and prepared for the Yom Tov properly need not be penalized. A person who entered the Yom Tov well groomed can then shave and cut his hair on Chol Hamoed.

The Rishonim argue against Rabeinu Tam. The Tur and Or Zarua hold that we cannot allow this person to shave on Chol Hamoed, because people who then see him will not realize that his case was an exception, and they will believe that everyone may shave and cut hair on Chol Hamoed. In fact, the Gemara notes that only the four cases listed in the Mishnah are exceptions, because their plight is relatively well-known to the public. Abaye discusses one who had lost an article, and who could therefore not groom himself before the festival due to being preoccupied. Abaye prohibits him from shaving on Chol Hamoed, in spite of his legitimate excuse because others are not aware of his situation, and people might be misled to think that anyone may shave on Chol Hamoed.

Noda B'Yehuda (1, O.C. #13) explains that Rabeinu Tam himself only permitted a person who was groomed before Yom Tov to groom himself further on Chol Hamoed if it is done by a barber who is poor, and who is in need of engaging in labor to earn money to buy Yom Tov provisions. Local people will not be misled, because they saw that he groomed himself appropriately before Yom Tov, and that no penalty is necessary. There is no need to consider guests who arrive now and did not see him before Yom Tov. Nevertheless, the opinion of Rabeinu Tam is not brought as the halacha by any posek. ■

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ברכה אלישבע בת מנחם ע"ה

by Mr. and Mrs. Michael Segelstein, Las Vegas, NV

Today's Daf Digest is dedicated in loving memory of our mother

Mindel bas Eliezer, oleho hasholom,

Mrs. Mildred Gerber o.b.m.

by her children Mr. and Mrs. Alan Gerber

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ר' ראובן בן ר' זונדל, ע"ה

HALACHAH Highlight

Making up a tefila that was missed because of monetary concerns

בעי ר' זירא אבדה לו אבידה ערב הרגל כיון דאניס מותר או דלמא כיון דלא מוכחא מילתא לא

R' Zeira asked: *If someone lost an object Erev Yom Tov [and as a result did not have time to cut his hair may he cut his hair on Chol Hamoed.] Since it was a matter beyond his control it is permitted or perhaps since the matter is not obvious to others it is prohibited.*

Shulchan Aruch¹ rules that one who forgot to recite Shemoneh Esrei can make up the missing prayer by reciting it twice at the next tefila, e.g. one who did not daven shacharis can make it up by reciting Shemoneh Esrei twice at mincha. This ruling, however, applies only if Shemoneh Esrei was missed due to circumstances beyond one's control (אונס) but if Shemoneh Esrei was missed intentionally (מויד) it may not be made up². Rabbeinu Yisroel Isserlin³, the Terumas Hadeshen, was asked whether Shemoneh Esrei could be made up if it was missed due to monetary concerns. A person was negotiating repayment of a loan and realizing that stopping the negotiations would have caused a significant loss he continued the discussion until it was too late to daven mincha.

Terumas Hadeshen ruled that the tefila could be made up because the attempt to prevent a loss is considered circumstances beyond one's control. Amongst his other proofs he cites our Gemara to support his conclusion. R' Zeira asked whether a person who, on Erev Yom Tov, was searching for a lost item and as a result was unable to cut his hair would be permitted to cut his

REVIEW and Remember

1. Why is it prohibited to cut hair on Chol HaMoed?

2. According to Rava, what is the point of dispute between R' Yehudah and the Tanna of our Mishnah?

3. Why is mourning not observed on Chol HaMoed?

4. What is the source that a mourner may not cut his hair?

hair during Chol Hamoed because he faced circumstances beyond his control (אונס). The question clearly demonstrates that one who misses a mitzvah to prevent a loss is classified as an אונס and consequently may make up a missed Shemoneh Esrei⁴. A second proof is derived from the Gemara in Berachos⁵. The Gemara there states that one must be careful to honor a talmid chacham who, due to circumstances beyond his control, forgot his learning. Rashi explains that one reason a talmid chacham may forget his learning is the result of becoming occupied with earning a living. We see that one who forgets his learning due to his occupation with earning a living is categorized as an אונס. ■

¹ שו"ע אר"ח סי' ק"יח סעי' א'.

² שם סעי' ז'.

³ שו"ת תרומת הדשן סי' ה'.

⁴ שו"ע שם סעי' ח'.

⁵ גמ' ברכות ח' .. ■

STORIES Off the Daf

The Image of a Jew

"ואלו מגלחין..."

When the Nodah B'Yehudah, zt"l, was first appointed Rav and Av Beis Din of Prague, the portion of the week was Parshas Vayikra, the week before Shabbos Hagadol. His very first drasha was a fiery sermon against shaving. This seems a little difficult to understand in light of some of his teshuvos.

For example, someone once asked if a person who shaves regularly is permitted to do so on Chol Hamoed. The Nodah B'Yehudah replied, "We find that Rabbeinu Tam permitted one who shaved erev Yom Tov to do so on Chol Hamoed. The

Hagahos Ha'ashrei asks that if this were correct, why don't we find this among the examples listed in the Mishnah in Moed Katan 14a of those who may shave on Chol Hamoed?

The Noda B'Yehudah went on to explain, "Although shaving is a melachah, it should be permitted on Chol Hamoed. Chazal only prohibited it to prevent people from deferring shaving until Chol Hamoed purposefully."

The Chasam Sofer zt"l, disagreed with the Nodah B'Yehudah, and there are several sources that claim that he changed his mind toward the end of his life. The Sdei Chemed, zt"l, argues this point straightforwardly. "The posthumous section of the Nodah B'Yehudah also contains a teshuvah that permits this. If the Nodah B'Yehudah had changed his mind, then at the

very least, those responsible for the publication would have removed this particular teshuvah!"

One can resolve this apparent contradiction very simply. When the Chazon Ish, zt"l, was asked about shaving, he said, "The way of Jews everywhere, always, has been to have a beard. This is the image of a Jew!"

While the Nodah B'Yehudah apparently felt similarly, he also answered the queries about shaving not in terms of the ideal, but according to the strict letter of the halachah. As he once wrote to a Rav who vehemently opposed his leniency in this area, "Why should I not be matzdik the tzaddik Rabbeinu Tam when I agree with his words?" ■

