

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) The dispute between Rabbanan and R' Eliezer

Another proof that the metzora's haircut must be done with a razor is cited.

The rationale behind R' Eliezer's position is identified.

This source is unsuccessfully challenged.

The necessity of the word ראשו according to Rabbanan is explained.

The Gemara suggests that the term זקנו could teach the same principle.

The necessity for the terms ראשו and זקנו is explained.

The Gemara inquires as to the source that a positive command overrides a prohibition according to R' Eliezer.

It is suggested that the mitzvah of tzitzis is the source that positive commands override prohibitions.

REVIEW and Remember

1. Does a positive command always override a prohibition?

2. What does R' Eliezer derive from the word ראשו?

3. Explain הקפת כל הראש לא שמה הקפה.

4. Why does R' Eliezer have to find an alternative source that positive commands override prohibitions?

Distinctive INSIGHT

The mitzvah for a metzora to cut his hair

ואי כתב ראשו ולא כתב זקנו הוה אמינא משמע תרתי

The Torah records specific prohibitions against shaving one's beard (השחתת הזקן), and also against cutting the corners of the hair of one's head (הקפת הראש). Yet, the metzora is permitted and even commanded to do both of these actions when he shaves his head. The lesson we learn from here is that we apply the rule of עשה דוחה לא תעשה—a positive mitzvah which cannot be fulfilled any other way may be done even if it thereby clashes with the violation of a negative commandment. The Gemara deals with the need of the verses to illustrate this both in terms of shaving one's beard, as well as in terms of being permitted to cut the hair on the side of one's head.

The Gemara answers that if we would only be taught that it is permitted for a metzora to cut his beard, we might have thought that every person may cut the corner of the hair of his head if he does so while cutting all the hair of his head at one time. This is why the Torah teaches regarding a metzora only, to teach that it is only in this case may this action be done. The reason the Torah also specifically teaches that a metzora may cut his beard with a razor is to teach us that it is only a razor cut that is prohibited by the Torah.

We see that a nazir and a metzora may cut their hair in a manner which is otherwise prohibited by the Torah. Tosafos asks that according to Rabbanan, who learn from the word "זקנו" that a metzora must shave his head with a razor, what would the halacha be in a case where a person is both a nazir and a metzora? Here, shaving of the head involves two negative commandments and one positive command. The two negative commands are not to cut the hair on the side of the head, and not to use a razor on the head. The positive command is that a nazir must grow his hair. How would we know that the metzora in this case can shave his head in deference to these three mitzvos?

Tosafos answers that it is most reasonable to assume that the verse (Vayikra 14:9) "he (the metzora) must shave his entire head," which is written without qualifications, is

HALACHAH Highlight

Shaving one's payos with a scissors

ואי כתב "ראשו" ולא כתב "זקנו" וכו'

And if the Torah wrote, "His head" and did not write, "His beard" etc.

Rishonim disagree whether the prohibition against cutting one's payos is limited to where they are removed with a razor, similar to the prohibition against shaving one's beard, or whether the prohibition against cutting one's payos applies to any method that cuts the hair to skin level. Tosafos¹ writes that the prohibition applies to any method by which the hair is removed, and one proof that he cites is that when the Torah prohibits cutting off one's payos no mention is made of a razor. Rambam² writes that one is not liable for cutting one's payos unless they are cut off with a razor.

One of the proofs Tosafos cites for his position is our Gemara. The Gemara explains that had the Torah only written the word ראשו without the word זקנו, I would have thought that the Torah is teaching that the positive command that the metzora shave his head overrides the normal prohibition against shaving one's head and that shaving the entire head is included in the prohibition against shaving

one's head, but I would not yet know that the metzora shaves his head with a razor, therefore, the Torah adds the word זקנו to teach that the metzora shaves his head with a razor. This clearly indicates that the standard prohibition against shaving one's head applies even if it is not done with a razor. Yam Shel Shlomo³, in fact, refers to this proof as strong as "an iron wall." Tosafos Rid⁴, however, dismisses the proof and writes that the Gemara is merely discussing what could have been said had the Torah not mentioned the word זקנו, but as far as practical halacha is concerned one cannot demonstrate that any type of hair removal violates the prohibition against shaving the head.

Shulchan Aruch⁵ rules in accordance with the lenient position of Rambam but cites stringent opinions which maintain that shaving the head even without the use of the razor is prohibited and it is appropriate to be concerned with that position. Teshuvos Tashbatz⁶ comments that since the dispute relates to a Biblical prohibition one should be strict in accordance with the opinion of Tosafos. ■

1. תוס' ד"ה השתא.
2. רמב"ם פ"י"ב מהל' עכו"ם ה"ו.
3. ים של שלמה יבמות פ"י"ב אות י"ח.
4. תוס' ר"י"ד ד"ה ואי כתב.
5. שו"ע יו"ד סי' קפ"א סעי' ג'.
6. שו"ת תשב"ץ ח"ג סי' צ"ג. ■

STORIES Off the Daf

A questionable combination

"לא תלבש שעטנז..."

Many people purchase merchandise without first determining whether it has a forbidden mixture of wool and linen. They bring it in to check for shatnez after the purchase. If it is, they promptly return it. Many people ask if this is halachically permitted; after all, this seems to be an open and shut case of a safek d'oraysah which is l'chumrah. So is it really forbidden to try on a garment that may have shatnez in it? Are people really required to shop only in shops where all the clothes are definitely shatnez-free?

To one person who presented this question, the Choshev Ha'Efod replied, "Actually, the Chochmas Adam is strin-

gent regarding this. Although the gemara says that one may wear shatnez to fool a non-accredited or dishonest tax collector, this is only because he doesn't want to be wearing the garment. This constitutes a p'sik reishah d'lo nichah lei which is permitted. One who tries on a garment however, does this for his own purposes so this constitutes a p'sik reishah d'nichah lei. However, I hold this is permitted, since the garment in question is only questionable shatnez. Although p'sik reshah is prohibited, the Taz writes that this is only regarding a clear prohibition. Regarding a questionable prohibition, p'sik reishah is permitted."

The Minchas Yitzchak, zt"l, permitted trying on untested garments for a different reason. "You may try on garments which might be shatnez, since Rashi holds that one doesn't transgress the Torah prohibition of shatnez unless

the actual weave of the fabric is wool crossed by linen or vice versa. Since many garments are just sewn with linen or wool, one doesn't transgress the prohibition according to Rashi. Therefore, this is a double safek which permits a d'oraisa. Of course, one transgresses rabbinically...but safek d'rabanah likulah." ■

(Insight...Continued from page 1)

referring to all cases of metzora, whether or not he is a nazir.

Another answer of Tosafos is that the verse "זקנו" teaches that a Kohen who is a metzora can also shave his head, which is in deference to the negative command of cutting the hair of one's head and the positive command to Kohanim to preserve their holiness (קדושים תהיו). We therefore see that the law for a metzora to shave can override multiple mitzvos. ■