

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 majority is equivalent to the whole thing

R' Acha the son of R' Ikka infers from the requirement that the nazir cut all his hair that generally there is a principle that "the majority is equivalent to the entire thing."

R' Yosi the son of R' Chanina unsuccessfully challenges this inference.

2) The nazir's haircut

Abaye presents an unresolved inquiry related to the nazir's haircut.

Rava presents an inquiry related to the nazir's haircut.

The inquiry is slightly revised.

Ravina resolves the inquiry, although the Gemara is forced to slightly revise Ravina's language.

3) **MISHNAH:** The Mishnah rules that the nazir may shampoo and separate his hair, but he is not permitted to comb it.

4) Identifying the author of the Mishnah

An inconsistency is noted in the Mishnah regarding unintended actions.

Rabbah asserts that the Mishnah follows R' Shimon that unintended actions are permitted and combing is prohibited because it is considered intentional.

5) **MISHNAH:** R' Yishmael rules that a nazir may not shampoo his hair with dirt since it causes hair to fall out.

6) Clarifying the ruling of the Mishnah

The Gemara makes an inquiry related to the language of the Mishnah that impacts whether shampooing with all dirt is prohibited or only with dirt that causes hair to fall out.

The question is left unresolved.

7) **MISHNAH:** The Mishnah presents the parameters for determining whether the nazir receives one set of lashes or multiple sets of lashes for the different prohibitions.

8) Multiple contacts with tumah

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Distinctive INSIGHT

The nazir drinks wine all day long but is liable for only one set of lashes

נזיר שהיה שותה יין כל היום אינו חייב אלא אחת

The ריב"ן, Nimukei Yosef and Ritva in Makkos (20b) explain that where the nazir was warned one time, the nazir is liable for only one set of lashes even if he continues to violate his nezirus multiple times with drinking additional measures of wine all day long. The culpability is for the first violation which immediately follows the warning, but the subsequent violations are lacking a warning, as we have to assume that he might have forgotten about the first warning which was given much earlier.

Tosafos (ibid., ד"ה לא צריכא) wonders why we discount the warning although it was issued only at the beginning, when the Gemara in Kiddushin (77b) rules in a case of a Kohen who is liable for multiple violations, even though he was given only one warning at the beginning. Where the sins are distinct acts, each one requires a chattas offering as a separate atonement, and we do not consider the warning as being deficient. Here, too, asks Tosafos, the nazir should be liable for lashes for each separate measure of wine that he drinks.

Tosafos answers that the case of the nazir being liable only one set of lashes is only where the act of drinking itself is not considered as many separate acts, but rather as one extended act of drinking.

In his Commentary to the Mishnah, Rambam writes that when the Mishnah rules that the nazir is liable for only one set of lashes, this refers to how the nazir is judged in Beis Din here on earth, which can only act when a formal warning is associated with a sinful act. However, the nazir is culpable in the heavens for each and every violation of his nezirus. This law applies as well for any Torah violation where the sinner is technically exempt from the powers of Beis Din to administer lashes. ■

REVIEW and Remember

1. From where did R' Acha the son of R' Ika derive that the principle of רובו ככולו is biblical?

2. What factor determines whether a nazir who drank wine all day receives one set of lashes or multiple sets of lashes?

3. How does R' Huna understand the phrases לא יטמא and לא יבא?

4. Explain טומאה בחיבורין.

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In appreciation
to our Rosh Kollel, Rabbi Wurzbarger, shlita
for all you do from the Kollel Beth Hatalmud.
Dr Lanzer -Melbourne Australia

HALACHAH Highlight

Combing one's payos

זיר חופף ומפספס אבל לא סורק

A nazir may shampoo and separate [the hairs on his head] but may not comb his hair.

Rav Akiva Eiger¹ writes that just like it is prohibited for a nazir to comb his hair, since it is inevitable that he will uproot some hair, so too it is prohibited for any person to comb their payos since it is inevitable that he detach some of the hair of his payos and thus violate the Biblical prohibition against cutting the hair of his payos. He concludes, however, that this halacha requires further analysis. Rav Yaakov Yisroel Kanievsky², the Steipler Gaon, expressed astonishment at this position. Is it reasonable to think that by combing one's payos he will uproot all the hairs of his payos? Concerning the nazir the Gemara states that he may not comb his hair since every two hairs represent another violation, but the prohibition against cutting the hair of the payos is violated only when a person removes all the hair. An explanation that the Steipler Gaon accepts to explain this difficult position is that R' Akiva Eiger follows the opinion of Semag who maintains that the prohibition against cutting the hair of the payos is also violated when two hairs are removed.

Rav Akiva Eiger sent this question to Rav Moshe Sofer³, the Chasam Sofer, and he responded that it is evident from our Gemara that there is no prohibition against combing one's payos. The Gemara discusses the prohibition against a nazir combing his hair and if was true that men were not permitted to comb their payos that would have been the topic of discussion since that restriction applies to everyone. Additionally, Chasam Sofer notes that he did not find that the older rabbis exercised concern for this matter. Therefore, it is obvious that

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Rabbah in the name of R' Huna asserts that one verse teaches that it is prohibited for a nazir to contract tumah from a corpse and a second verse teaches that once tamei, the nazir is not permitted to enter a "tent" that contains a corpse. However, there is no prohibition concerning other forms of contact with tumah.

R' Yosef maintains that R' Huna's position is that any second contact with tumah is prohibited for a nazir.

Abaye challenges R' Yosef's version of R' Huna's position.

R' Yosef responds to Abaye's challenge and in doing so asserts that **טומאה בחיבורין** is a Biblical law.

The assumption that **טומאה בחיבורין** is Biblical is challenged from a teaching of R' Yannai.

The Gemara distinguishes between two types of **טומאה בחיבורין**.

The rationale behind Rabbah's understanding of R' Huna is challenged.

R' Yochanan explains that the question of liability for two acts of tumah hinges upon whether the two contacts represent two transgressions or the same transgression

it is permitted, without any need for hesitation, to comb one's payos. Rav Moshe Shternbuch⁴ mentions the opinions of Rav Akiva Eiger and Chasam Sofer and mentions that the practice of Torah scholars was to be lenient on this matter and one who wishes to follow the ruling of Rav Akiva Eiger may do so for himself but he may not rule stringently for others on this matter. ■

1. גליון השי"ס שבועות ב:
2. גליונות קהלת יעקב שבועות שם.
3. שו"ת חת"ס יו"ד סי' קלי"ט וק"מ.
4. שו"ת תשובות והנהגות ח"א סי' ת"ס. ■

STORIES Off the Daf

Careless Combing

"זיר חופף ומפספס אבל לא סורק..."

Although there is a dispute regarding the exact demarcations of the area defined as "the corners of the head," it is nevertheless a Torah prohibition to pull out the actual sideburns or peyos. Despite this fact, people comb their hair without taking into account that they may transgress the prohibition of pulling

out their peyos. Rabbi Akiva Eiger, zt"l, was very bothered by this and asked the Chasam Sofer, zt"l how we know it is permitted. He said, "After all, Shulchan Aruch Yoreh Deah 181 clearly rules that one may not even use a scissors to cut his halachic peyos. Why should using a comb be allowed? In Nazir 42 it says that a nazir may rub his hair or separate hairs but that he may not comb. Why should peyos be any different?"

"The Gemara in Nazir is no proof," the Chasam Sofer, replied. "A nazir is required to allow his hair to grow. Clear-

ly even picking out a hair with a comb inadvertently is not allowing growth. Regarding peyos we are commanded not to cut. Perhaps plucking inadvertently through combing is not prohibited."

The Chasam Sofer continued, "Although there is no proof, it is logical to say that you are correct. Why should it matter if the hairs are inadvertently plucked or cut off? However, I can testify that the elderly Rabbanim were not careful regarding this. My own rebbe, Rav Noson Adler, zt"l, would also comb daily. So clearly this is permitted..." ■

