

OVERVIEW of the Daf

1) Carrying subsidiary items (cont.)

R' Sheishes and R' Ashi provide explanations why the case of the Baraisa (צג:) does not prove that one who eats two pieces of chailev in one lapse of awareness is liable for two offerings.

The Gemara explains that R' Sheishes and R' Ashi dispute an issue previously disputed between R' Yochanan and Reish Lakish concerning the extent of liability for a person who commits two violations in one lapse of awareness but discovered the violations at separate times.

2) A living creature supports its own weight

A Baraisa is cited which seemingly indicates that our Mishnah follows the view of R' Noson that a living creature supports its own weight.

Rava suggests that perhaps even Rabanan would agree with this principle concerning humans.

R' Yochanan rules that if the creature is tied with ropes the one who carries it will be liable.

3) Clarifying the opinion of R' Shimon

It is quoted in the name of R' Yochanan and Reish Lakish that according to R' Shimon if a corpse is taken out for burial there is no liability since it is a מלאכה שאינה צריכה לגופה.

Rava rules: If one transports a hoe for digging or a Sefer Torah for reading he is liable even according to R' Shimon. Although one may have thought that an act must be done for the person and for the object to be considered a מלאכה שצריכה לגופה, Rava teaches that this is not so.

An incident involving transporting a corpse is related which teaches that if the corpse is taken into a karmelis rather than a public domain the act is permitted.

4) Plucking hair from tzaraas

A Mishnah rules: If one plucks out hair from tzara'as he violates a prohibition. If he plucks one of two hairs he is liable according to all opinions. If he plucks one of three there is a dispute. According to R' Nachman he is liable because if one more hair is removed the tum'ah will depart, whereas according to R' Sheishes he is not liable because for the interim he is still tamai.

5) MISHNAH: The Mishnah presents a dispute whether one violates a Torah or a rabbinic prohibition for various grooming practices.

6) Fingernails

R' Elazar teaches: The dispute in the Mishnah concerning fingernails pertains only to removing them by hand but if one uses a utensil according to all opinions one is liable. Secondly, the dispute pertains to removing one's own fingernails but if one removes his friends fingernails according to all opinions he is exempt.

7) Hair

A Baraisa teaches: A person is liable for removing hair if he removes a scissors'-tip full of hair which R' Yehudah defines as two hairs. This definition is supported by a Baraisa.

(Continued on page 2)

Gemara GEM

Plucking out One White Hair of Many

ומודים חכמים לרבי אליעזר במלקט לבנות מתוך שחורות שאפילו אחת חייב
Cutting hair is prohibited on Shabbos. Chachamim hold that a person is liable when he cuts two hairs, while Rabbi Eliezer holds that even one hair is חייב.

The Gemara teaches that even Chachamim agree to Rabbi Eliezer that cutting or plucking even one hair is חייב if the person intentionally plucks a white hair from among his black hairs. Kol Bo explains that this is normally done even by hand, so even if one plucks a hair out by hand, he is חייב. As the Chachamim explain, this is not a consideration in terms of the laws of Shabbos, but it is due to the prohibition of לא ילבש, the prohibition of a man grooming himself in a manner which is common only for women.

The הלכה (ד"ה וחייב - 340:1) understands that a man would be חייב for plucking out a white hair only if it is the only white hair he has, because in this case he has now improved his appearance by eliminating any semblance of aging. He asks, however, if this would also be true in the case where a man removes one white hair of many. Perhaps this is an unsuccessful move, and the enhanced appearance is insignificant, or it could be that he should be חייב even in this case, because his youthful visage is improved with every strand that is abolished.

Rambam (Hilchos Avoda Zara 12:10) points out that as far as Shabbos is concerned, even removing one white hair of many is certainly חייב, because he has accomplished something. However, as far as לא ילבש is concerned, it could be that he has not beautified himself unless his actions are clearly noticeable.

The prohibition of לא ילבש applying to grooming oneself by removing white hairs is the subject of a dispute among the Rishonim. Ritva (Makos 20b) writes that this is only an איסור דרבנן, because we hold according to Rabbnan in Nazir 59a who hold that m'dioraisa this prohibition only applies to a man wearing women's jewelry or other ornaments, but it technically does not restrict other types of behavior. This is also the opinion of Ra'avad (see Rambam, ibid.). There are those, however, who rule according to Rabbi Eliezer ben Yaakov in Nazir 59b, who understands that this prohibition precludes a man from wearing any type of women's apparel or conducting himself as women do in terms of physical maintenance. This is also how Rambam rules. Accordingly, the case in our Gemara would be an איסור דאורייתא. ■

REVIEW and Remember

1. Explain the phrase חי נושא את עצמו.
2. When does the rule חי נושא את עצמו not apply?
3. According to R' Shimon, why is one not liable for taking a corpse out for burial?
4. Under what conditions may fingernails be removed on Shabbos?

HALACHAH Highlight

Cutting nails or skin¹

הנוטל צפרניו

a) With and without an instrument

Cutting or removing fingernails or toenails with an instrument (even a knife) is Gozez M'deoraisa. Similarly, filing one's nail is also Gozez M'deoraisa because the tiny shavings are removed with an instrument.

However, biting one's nails is not Gozez M'deoraisa because this is not an ordinary method of trimming nails properly (hence, a Shinui). Similarly, cutting and peeling off the fingernails of one hand with those of another is not an ordinary method of trimming nails. Even so, all of these examples are Rabbinically prohibited due to the similarity to the Melacha M'deoraisa.

b) Removing warts and dead skin

Just as trimming nails is prohibited, so too is the cutting of warts, pimples, or loose bits of skin (even if dried up).

> Examples:

One may not trim the cuticles that surround the nails where the nails meet with the skin of the finger.

One may not attempt to file down or cut off a wart, or an unsightly pimple or the like.

One must be especially careful not to bite any loose skin on his lips or gums (even if their presence is disturbing) because this too is Gozez. Similarly, pulling or rubbing off loose skin from between fingers and toes is forbidden.

According to some Poskim, biting loose skin from one's lips is Gozez M'deoraisa even though no instrument is used, because this is how the average person ordinarily removes such skin.

c) Removing a hangnail

As explained earlier, cutting or removing one's nail is Gozez because it entails detaching a growing part of the body. However, once a nail has become detached along most of its width, it is Halachically regarded as completely detached because it will definitely fall off on its own in the course of time. Accordingly, a finger-

nail or toenail that became detached across most of its width and is causing pain may be removed by hand (not with an instrument) or by biting it off.

This lenient ruling is based upon a combination of two factors:

1: The partially detached nail is considered Halachically detached.

Removing it is therefore only a Rabbinical restriction.

2: The Sages waived certain Rabbinical restrictions in situations in which one is suffering physical pain.

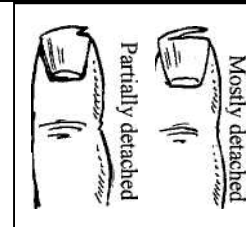
This ruling applies only to hangnails. The leniency does not apply to other loose skin, such as cuticles, loose pieces of skin from lips or other parts of the body, even if their presence causes pain.

d) Removing an ingrown toenail

One may not cut or remove part of an ingrown toenail even if this is the only hope for relief because doing so is Gozez.

If the individual is in considerable pain, a non-Jew may be summoned to remove the bothersome nail if the person is suffering and cannot function without relief. ■

1 The 39 Melachos, by Rabbi Dovid Ribiat, p.680-682. Used with the permission of the author. ■



(Overview...continued from page 1)

8) Fingernails

R' Shimon ben Elazar rules: Fingernails and skin that became detached most of the way may be removed by hand, but the use of a utensil is rabbinically prohibited. If it is not detached most of the way it is Biblically prohibited to remove it with a utensil and rabbinically prohibited to remove it by hand.

R' Yehudah rules like R' Shimon ben Elazar and Rabbah bar Chanah in the name of R' Yochanan limits the leniency to removing the cuticle that causes pain and is separating towards the top of the nail.

9) Grooming activities

The Gemara begins to attempt to identify the melachos violated for various grooming activities. ■

Distinctive INSIGHT

The Mitzvah of Burying the Dead

אף במוציא את המת לקבור

The chiddush of the Gemara is that we might have thought that Rabbi Shimon only exempts the person who carries out the **מת** just for the sake of vacating the deceased from his house. Yet, we see that Rabbi Shimon defines an act as a **מלאכה שאינה צריכה לגופה** even if there is a direct need for the removal of the body in order to bury it. This is also an act from which the person in the house derives no benefit, and for which he has no need. It is still only an act of removing an unwanted situation from his domain.

Meiri asks, however, that burying the dead

is a mitzvah, so the person in the house certainly does benefit from the removal of the dead from his house in this case. It should be a **מלאכה שצריכה לגופה**, so why does the Gemara tell us that Rabbi Shimon exempts the person even if the dead is being taken to be buried? Although the Yerushalmi concludes that this case is dealing where the dead person was a gentile, and therefore there is no mitzvah of burying him, Meiri dismisses this approach to answer our question. Rashba explains that even if a mitzvah must be performed, this is not an integral part of the act of removing the dead, and it does not change the nature of the melacha to being on which is purposeful.

Sfas Emes explains that the question of the Meiri could hinge upon the discussion in the Gemara in Sanhedrin (46b) concerning the very nature of burial of the dead. One opinion

says that the purpose of burial is to serve as an atonement for the person who died. The other opinion says that burial is to avoid disgrace (**משום בזיון**). Tosafos there explains that the disgrace would be that of the surviving relatives. In other words, it is for the benefit of the living. Explains Sfas Emes, if the reason for burial is due to **בזיון**, then removing the body on Shabbos to bury it is a **מלאכה שאינה צריכה לגופה**, because the person would still prefer that the entire episode not occur, and the task at hand is only to avoid more disgrace. However, if the purpose of burial is to serve as an atonement for the deceased, this melacha would be considered **לגופה**, as it has positive meaning and significance. Accordingly, our Gemara would be of the opinion that Rabbi Shimon holds that the purpose of burial is to avoid **בזיון**. ■

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