



OVERVIEW of the Daf

1) Clarifying R' Yehoshua's remarks

Two different ways to understand R' Yehoshua's comment in the Mishnah are presented and the Gemara asks which one represents R' Yehoshua's intent.

A Baraisa is cited that clarifies R' Yehoshua's comment.

הדרן עלך כהן גדול

2) **MISHNAH:** The Mishnah presents the halacha for a situation where someone tells two nezirim that one of them became tamei but it is unknown which one of them is tamei.

3) Clarifying the case of the Mishnah

The Gemara challenges the Mishnah's case since if there are three people it is a case of doubtful tumah in a public domain and neither one should be tamei.

Rabbah bar R' Huna suggests that the Mishnah refers to a case where the witness saw tumah thrown between two nezirim standing together, but the witness was not close enough to the two nezirim for it to be considered a "public domain."

R' Ashi cites the language of the Mishnah as proof to the validity of this interpretation.

4) Head shaving

How could both nezirim shave their heads, asks the Gemara, when it will involve one of them violating the prohibition against rounding the corners of his head?

Shmuel answers that the Mishnah refers to a case involving a woman or child.

Since Shmuel did not answer that shaving the entire head does not violate the prohibition against rounding the corners of the head the Gemara infers that Shmuel maintains that shaving the entire head does violate the prohibition against rounding the corners of the head.

According to a second version Shmuel made his statement in reference to a later Mishnah.

5) Rounding the corners of the head

R' Huna asserts that rounding the corners of a minor's head violates the prohibition.

R' Ada bar Ahava challenged R' Huna from the fact that R' Huna's children have their corners of their head rounded.

The exchange between R' Huna and R' Ada bar Ahava is recorded and the result was that R' Huna did not have children who survived during the lifetime of R' Ada bar Ahava.

The point of dispute between R' Huna and R' Ada bar Ahava is explained.

It is suggested that rounding the head represents a dispute amongst Tannaim and the Gemara begins to cite a Baraisa to prove its assertion. ■

Distinctive INSIGHT

Cutting the hair of the entire head at once

לוקמא בגדול והקפת כל הראש לא שמה הקפה

The Rishonim offer several approaches to explain the opinion which holds that the prohibition of cutting the hair of the side of the head (לא תקיף פאת ראשכם) would not apply when all the hair on the head is cut at once.

Rashi (Yevamos 5a, וקסבר ד"ה) writes that the verse itself only prohibits cutting the "פאת—the corner" of the head. This suggests that this halacha does not apply when the cutting is not just the corner.

Tosafos and Rosh that the guidelines of this halacha are that we may not cut the hair of the sides of the head. The Gemara in Makkos (20b) details that this refers specifically to where one evens out his temples and has the hairline of the side of his head even with the area behind his ears and forehead. This suggests that the prohibition is only violated when the shape of the hair takes on a rounded style. Rashi on Chumash Vayikra (19:27) explains that the word "הקפה" means "rounded". Therefore, when the entire head is shaved, this rounded effect is not created.

Rambam (Sefer Hamitzvos #43) writes that the reason the Torah issues this prohibition is to prevent a Jew from having a hair style that was worn by idolatrous priests. Therefore, the cutting of the entire head of hair might not be included within the parameters of this law. However,

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REVIEW and Remember

1. Is a **קל וחומר** formulated from a Halacha L'Moshe M'Sinai valid?
2. What is the source that uncertain matters of tumah in a private domain are treated stringently?
3. Explain **הקפת כל הראש לא שמה הקפה**.
4. What is the point of dispute between R' Huna and R' Ada bar Ahava?

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לע"נ מרת שושנה בת הרב דוב בער, ע"ה

HALACHAH Highlight

Uncertain tumah in a public domain

וכל ספק טומאה ברשות הרבים ספיקו טהור

And any matter of doubt related to tumah in a public domain is treated as tahor

It emerges from the Gemara that since cases of doubtful tumah in a public domain are treated leniently (ספק טומאה ברשות הרבים טהור), if a nazir is uncertain whether he became tamei in a public domain, he is not required to bring a korban tumah. Minchas Chinuch¹ suggests that if there is a ספק ספיקא in a private domain it is possibly permitted even l'chatchila for the nazir to enter the area because the prohibition against a nazir becoming tamei is the same as all other prohibitions that are permitted when there is a ספק ספיקא. Following this line of reasoning he poses the following question. Is a kohen (or nazir) permitted to walk through a public area when there is a possibility that there is a corpse (ספק טומאה ברשות הרבים)? Is it permitted for him to walk through that area even l'chatchila since halacha dictates that he will be tahor, or perhaps since we are dealing with a matter of doubt related to a biblical prohibition we should rule stringently that he may not intentionally enter into this area of doubt?

Teshuvos Har Tzvi² writes that although Minchas Chinuch is uncertain about this matter, it seems obvious to the Tzlach³ that the prohibition against tumah is treated the same as all other prohibitions and in circumstances of doubt one must adopt the stringent approach and avoid possibly

(Insight. Continued from page 1)

the Torah does extend the halacha beyond the limited case of cutting only the corners, which is the main case for which this halacha was designed, and the prohibition does include even cutting the hair of the entire head at once.

Minchas Chinuch (Mitzvah 251) adds that cutting the hair of the entire head is itself similar to cutting only the side, and this is an act which is similar to that done by the idolatrous priests. ■

violating the prohibition even though, after the fact, halacha invokes the rule ספק טומאה ברשות הרבים טהור. He then writes that proof for the Minchas Chinuch can be found in Tosafos⁴ who writes that the reason that tumah of a בית הפרס is only Rabbinic is because it falls into the category of ספק טומאה ברשות הרבים. Many passages from the Gemara indicate that the restriction against a kohen entering a בית הפרס is Rabbinic which indicates that Biblically it is permitted for a kohen to enter a בית הפרס. This is not, however, a definitive proof because one could distinguish between matters of doubt related to touching a corpse which are treated leniently and matters of doubt related to contracting tumah from an ohel which are treated stringently. Accordingly, since the case of the בית הפרס relates to touching rather than ohel it may not be relevant to the inquiry of Minchas Chinuch. ■

1. מנחת חינוך מצוה רס"ג אות י"ג ד"ה והנה והלאה (עמ' רצ"ג-רצ"ד במהד' מכון ירושלים).
2. שו"ת הר צבי יו"ד סי' רפ"ג.
3. צלי"ח למס' ברכות יט: ד"ה ורוב ארונות.
4. תוס' כתובות כ: ד"ה. ■

STORIES Off the Daf

Cutting the Peyos

"אמר רב הונא המקיף את הקטן חייב..."

There was a barber who served in a certain community for many years. He did all sorts of haircuts without considering for a moment any possible halachic prohibitions since he was not religious.

When this man was finally exposed to Torah-true yiddishkeit, he was very inspired. Slowly he started observing Torah and mitzvos. The more he learned the more inspired he felt, until

one day he encountered a prohibition that caused him to run to his local posek to find a halachically viable solution for his business. "I learned that a Jew may not cut all the hair of the actual peyos and am not sure what I should do. I have many non-Jewish clients that will surely leave me if I don't cut the place of their halachic sideburns. Is the prohibition only regarding a Jew or even a gentile?"

The posek replied, "I am relatively certain that you can hire a non-Jew to do this for you. Since this is such a serious issue, I would like to consult with Rav Wosner. As one of the great halachic authorities of our times, he is

sure to tell us exactly what is permitted and what is not."

After being appraised of the problem Rav Wosner replied, "The halachah follows Rav Huna in Nazir 57 who states that it is prohibited to cut even a minor's peyos. Tosfos there is not sure if this applies to a non-Jew or only a Jew. Most Rishonim permit this, as did the Beis Yosef, the Levush, the Bach, Shach and the Gr"a. In our case, where prohibiting may prevent this man from doing teshuvah, you may certainly rely on the above. According to everyone, a non-Jewish worker may be used in this case!" ■