



## OVERVIEW of the Daf

### 1) Rounding the corners of the head (cont.)

A second Baraisa is cited that presents a different exposition of the same verse. The Gemara suggests that the difference between the two Baraisos is whether shaving the entire head violates the prohibition against rounding the corners of the head.

Rava rejects the suggestion and suggests that the dispute relates to a different point.

Rava's suggested explanation is rejected and an alternative explanation is offered.

The alternative explanation forces the Gemara to find another source that a positive command will override a prohibition.

The Gemara explains why the other opinion does not derive the principle that a positive command overrides a prohibition from the same source (i.e. tzitzis).

The Gemara asks how the first opinion will derive the principle that a positive command overrides a prohibition grouped together with a positive command.

The exchange back and forth between these two positions is recorded.

### 2) Wearing a woman's garment

Rav rules that it is permitted for a man to shave all the hair from his body and this does not represent a violation of wearing a woman's garment.

This ruling is challenged and to resolve the inquiry the Gemara distinguishes between one who removes the hair with a razor and one who removes the hair with a scissors.

R' Chiya bar Abba in the name of R' Yochanan rules that a man who removes the hair of his armpits or **בית העררה** incurs lashes.

This ruling is unsuccessfully challenged. ■

## REVIEW and Remember

1. What halacha is derived from the word **ראשו**?

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2. Where do we find that a positive mitzvah can override a prohibition and a positive command?

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3. What halacha is derived from the word **זקנו**?

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4. Is the prohibition against dressing like a woman limited to clothing?

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## Distinctive INSIGHT

*Overriding a **עשה** and **לא תעשה** which are not common to all מה לכהן שכן לאו שאינו שוה בכל*

The Gemara in Bava Metzia (30a) discusses the halacha of a Kohen who sees a lost object in a cemetery. Although the halacha is that a Jew who spots such an item must try to return it to its owner, here the Kohen is not to get involved with this object, in order not to violate the prohibition to defile himself with entering the cemetery. The rationale here is that in its command to return lost items to their owners, the Torah uses the word "**והתעלמת**" which teaches that it is sometimes appropriate for a found item to be ignored by the one who finds it. The situation of a Kohen having to enter a cemetery is just such a case. The Gemara then asks why should this halacha be based upon a special verse, when the rule is that a simple positive command to return a lost item cannot override a combination of a negative and positive command, which is what is involved with a Kohen having to enter into a cemetery (**לא יטמא, קדשים יהיו**).

Tosafos (Yevamos 5a, **ד"ה ואכתי**) asks that the question of the Gemara in Bava Metzia is not valid based upon our Gemara, where we learn that a simple positive command can, in fact, override a combination of a positive and negative command, if the commandment to be deferred is one which is not evenly applied to all people, such as the case of not shaving one's beard (which is not applicable to women). Similarly, the prohibition not to enter into a cemetery is only applied to Kohanim, and we would therefore say that the command to return a lost item and entering into a cemetery to get it should have been allowed for the Kohen, had it not been for the word "**והתעלמת**".

Tosafos answers that the Gemara knew that in terms of the positive command alone, we would certainly need the verse of "**והתעלמת**" to exempt a Kohen in this case. However, the main question of the Gemara in Bava Metzia is the second question which the Gemara there asks, "Can we allow the Kohen to violate this prohibition just for financial gain of his fellow man? (Money can be forfeited with **מחילה**, and there should be no reason for the Kohen to be subject to returning the object when the owner might not care to have it returned!)"

Alternatively, Tosafos answers that an **עשה** cannot override a combination of an **עשה** and **לא תעשה**. That is why the Gemara in Bava Metzia asks that the verse of **והתעלמת** seems unnecessary. When our Gemara says that an **עשה** can override an **עשה** and a **לא תעשה** when the latter are not common for all people, the Gemara only meant this

# HALACHAH Highlight

## Is it permitted for men to remove excess body hair?

אמר רב מיקל אדם כל גופו בתער ... כעין תער

Rav said that it is permitted for a man to shave the hair of his body with a razor ... [meaning even Rav only permitted the hair with a scissors] that is similar to a razor

There was once a man whose eyebrows were so long and thick that he was embarrassed to go out in public. He approached the author of Teshuvos Avnei Yashpei to find out whether it is permitted for him to shorten his eyebrows. Since generally only women cut their eyebrows, he was concerned that if he were to trim his eyebrows it would violate the prohibition against a man grooming himself as a woman. Teshuvos Avnei Yashpei<sup>1</sup> noted that there is a dispute between Rambam and Mordechai whether it is permitted for a man to remove hair from his body. Rambam rules that it is permitted (except the **בית השחי** and the **בית הערוה**) whereas Mordechai only permits a man to remove the hair on his body if its presence causes him distress. Shulchan Aruch<sup>2</sup> rules that a man is permitted to cut the hair from the limbs of the body with a scissors, in accordance with the Rambam, and does not even mention Mordechai's dissenting opinion. This clearly indicates that it is unnecessary to reckon with the stringent opinion of Mordechai and it would be permitted for man to trim his eyebrows. Furthermore, even if someone wants to be stringent on this matter

(Insight. Continued from page 1)

in a case of the positive commandment for a metzora to shave and become permitted for his wife. This mitzvah specifically, which results in Shalom Bayis, can override a "weak" **לא תעשה** and **עשה**. This is not true, however, in general, as we see in the Gemara in Bava Metzia. ■

in accordance with Mordechai, it would still be permitted in this circumstance for the questioner to trim his eyebrows. Although Mordechai adopted a stringent approach, nevertheless, he is lenient when retaining the hair will cause distress, and the embarrassment the questioner experienced from his long eyebrows is sufficient distress for a lenient approach even according to Mordechai. Another rationale to adopt a lenient approach is that women will generally remove their eyebrows rather than trim them. Since the grooming procedure is different for men and women there is no reason for concern that a man who trims his eyebrows is practicing a woman's grooming routine.

Sefer Nishmas Avrohom<sup>3</sup> cites the opinion of Rav Shlomo Zalman Auerbach who also permitted a young man to trim the hair between his eyebrows since it is considered a blemish and ruled that there is no concern that he is in violation of the prohibition against grooming himself like a woman. Sefer Om Ani Chomah<sup>4</sup> also permits men to shave the hair from their ears or nostrils. ■

1. שו"ת אבני ישפה יו"ד ח"ד סי' צ"א.
2. שו"ת יו"ד סי' קפ"ב סעי' א'.
3. נשמת אברהם יו"ד סי' קפ"ב עמ' קי"מ.
4. ספר אום אני חומה ח"ב סי' ס"ט אות א'.

# STORIES Off the Daf

## The Use of the Razor

"...מיקל אדם כל גופו בתער"

Someone asked the Rashba, zt"l, regarding this custom of using a razor to remove hair from any part of the body. "In Nazir 58 we find that Rav says one may shave his entire body with a razor. The Gemara brings a seemingly contradictory Baraisa that a man who shaves his underarm hair is lashed. The Gemara explains that Rav meant that one may shave very close with a pair of scissors that are like a razor, but not with an actual razor blade. It seems clear from the above that one may not shave the hair of

any part of the body with a razor since if there was a part of the body upon which that was permitted, the Gemara should say so clearly instead of explaining Rav's entire statement to refer to a scissors. Although the prohibition to remove the neck hair is only rabbinic, what is the heter for people to shave there with a razor?"

The Rashba replied, "This is truly a strong question that I considered for many days. This is the answer I found in the Rishonim even regarding removing underarm hair which some hold is a Torah prohibition. They held that the Torah doesn't say that a man may not shave body hair. It says he may not don woman's garb and we learn that any cosmetic effort or special adornment usually

adopted by women exclusively is prohibited to men. This, however, varies according to one's time and place.

The Rashba continued, "However, this answer is not satisfactory in my eyes because of the Gemara in Nazir 59. There it states that Rav Ami sentenced a man to be lashed and as they were bringing him, the accused's underarm was inadvertently exposed and was found to be unshaven. Rav Ami concluded from this that the man was a chacham and didn't lash him. Clearly, most men shaved their underarms even then and even so the Gemara prohibits this? Because the many sin by doing what used to be an act that only women did, should what was forbidden become permitted?!" ■