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Nazir Daf 41

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***Metzora Shaves with a Razor***

The *Gemora* had answered: If you would think that a *metzora* fulfills the *mitzvah* of shaving with any type of plane, let the verse be quiet (*regarding his beard*) and we would know through the following *kal vachomer* that he is permitted to use a razor: We find by a *nazir*, who has committed a transgression (*for all nezirim are referred to as “sinners”*), and nevertheless, they are obligated to shave (*even though this will result in the violation of shaving one’s head*); here, by a *metzora*, who has a *mitzvah* to shave (*and he is not referred to as a sinner*), should certainly be permitted to shave with a razor (*it is therefore not necessary to write it, and “his beard” must be coming to teach us that the metzora’s shaving must be done with a razor*)!

And furthermore, if you would think that a *metzora* fulfills the *mitzvah* of shaving with any type of plane, then we must hold that he may not shave with a razor, for Rish Lakish said: If you find a positive commandment in conflict with a prohibition, fulfilling both of them is preferable, but if there is no alternative, then the positive commandment may override the prohibition. (*As long as the metzora’s mitzvah of shaving can be fulfilled with an implement other than a razor, it*

*will be forbidden to use a razor; we are therefore compelled to say that by writing “his beard,” which teaches us that the metzora’s shaving overrides the prohibition of destroying his beard, it is evident that his shaving must be done with a razor.*) (40b – 41a)

***Rabbi Eliezer***

The *Gemora* asks: And according to Rabbi Eliezer, who holds that a person is liable even if he cuts his beard with different types of planes (*and it would therefore be necessary to write “his beard” to permit a metzora to shave with other implements*), how does he know that a *metzora* must shave with a razor?

The *Gemora* answers: He learns from “*his head*,” as we learned in the following *braisa*: What is derived from the word “*rosho*,” his head? It is written regarding a *nazir*: *A razor shall not pass over his head*. I would have thought that one who is a *metzora* and a *nazir* would not be permitted to shave his head (*even for the purification process of a metzora*), the Torah teaches us that the positive commandment for a *metzora* to shave his head overrides the prohibition of the *nazir* against

shaving his head with a razor. (*This proves that a metzora must shave only with a razor.*)

The Gemora asks: How do we know this (*that the mitzvah for a metzora must be done with a razor*)? Perhaps even when one shaves with a plane he fulfills the *mitzvah*, and the verse is merely telling us that the *metzora* will not be liable even if he shaves with a razor (*although he could have used other planes*)?

The Gemora answers: If you would think that a *metzora* fulfills the *mitzvah* of shaving with any type of plane, it will be forbidden to use a razor according to Rish Lakish (*who said that if you find a positive commandment in conflict with a prohibition, fulfilling both of them is the preferable option*). (41a)

### **His Head**

The Gemora asks: What do the *Chachamim* derive from the verse “his head”?

The Gemora answers: It is necessary to teach us that the *metzora’s mitzvah* of shaving his head overrides the prohibition against rounding one’s head. For we learned in a *braisa*: It is written [Vayikra 19:27]: *You shall not round the corners of your head*. You might think that this prohibition should be applicable to a *metzora* as well. The Torah therefore writes, “his head,” teaching us that the *metzora* must shave his head. (41a)

### **His Beard**

The Gemora asks: Why is it necessary to derive this *halacha* from “his head”? Could it not have been derived from “his beard”? For we learned in a *braisa*: “His beard.” What does this word teach us? The verse states (*regarding the Kohanim*): *And the corners of their beard they should not shave off*. One might think that this applies to the shaving of a *metzora* as well. Therefore the verse states regarding the shaving of a *metzora* that he also must shave his beard. (*This teaches us that the positive commandment of the shaving of a metzora overrides the negative commandment for a Kohen not to shave.*) Why is it necessary to write “his head” and “his beard”?

The Gemora answers: They are both necessary. For if the Torah would have written “his beard,” and it would not have written “his head,” we might have thought that the rounding of the entire head (*shaving his entire head*) is not considered “rounding” (*one is prohibited from cutting off the hair by the temples, which results in evening the hairline at that point with the hairline in front and in back of his ears; if, however, he shaves his entire head, there is no hairline, and perhaps this would be permitted*), therefore the Torah writes “his head” (*by the fact that the Torah needs to specifically permit the metzora to shave his entire head, this indicates that an ordinary person is prohibited from doing so; this teaches us that the rounding of the entire head is considered “rounding”*).

And if the Torah would have written “his head,” and it would not have written “his beard,” we might have thought that we derive (from “his head”) that a positive commandment overrides a prohibition and that the rounding of the entire head is considered “rounding,” but we would not know that a *metzora* must shave his head with a razor (since rounding the head is forbidden with any implement and it does not say “razor” by the *metzora*). Therefore, the Torah writes “his beard” (to teach us that a *metzora* must shave his head with a razor). (41a – 41b)

#### **Positive Commandment Overrides a Prohibition**

The *Gemora* asks: How then (since “his head” is used to teach us that a *metzora* must shave his head with a razor) does Rabbi Eliezer derive that a positive commandment overrides a prohibition?

The *Gemora* answers: He derives it from *tzitzis*. For we learned in a *braisa*: It is written [Devarim 22:11]: *You shall not wear shatnez (wool and linen together)*. But the next verse states: *You shall make for yourself twisted cords from them. (If the garment is linen, we are obligated to place woolen strings of techeiles on them; we see from here that the positive mitzvah of tzitzis overrides the prohibition of shatnez.)* (41b – 42a)

## **INSIGHTS TO THE DAF**

### ***A Woman Shaving***

The Torah writes [Vayikra 19:27]: *Lo sakifu pe’as rosheichem*. You shall not round the corners of your head. Here, it is written in a plural form “*rosheichem*.” Yet, by the destruction of one’s beard, it is written: *V’lo sashchis pe’as z’kanecha*. And you shall not destroy the corners of your beard. There, it is written in the singular form, “*z’kanecha*.” Why does the Torah change?

The Meshech Chochmah explains according to the following Rambam (Avodah Zarah 12:5): Although a woman is permitted to shave the corners of her head, she is prohibited from shaving the corners of a man’s head. However, with respect to the prohibition of destructing one’s beard, the Rambam (12:7) writes: A woman is permitted to destroy her own beard if she has beard hair, and if she destroys the beard of a man, she is exempt. It emerges that there is a clear distinction between the *halacha* of a woman rounding the corners of a man’s head and her shaving a man’s beard.

Accordingly, it can be understood why the Torah uses the plural form when discussing the prohibition of rounding one’s head, for a man and a woman are included in this prohibition. However, with respect to the prohibition of destroying one’s beard, the Torah uses the singular form, because only the man is liable, not the woman.

## DAILY MASHAL

### *The Holiness Of A Nazir*

The *Gemora* asks: How then (since “his head” is used to teach us that a *metzora* must shave his head with a razor) does Rabbi Eliezer derive that a positive commandment overrides a prohibition?

The *Gemora* answers: He derives it from *tzitzis*. For we learned in a *braisa*: It is written [Devarim 22:11]: *You shall not wear shatnez (wool and linen together)*. But the next verse states: *You shall make for yourself twisted cords from them. (If the garment is linen, we are obligated to place woolen strings of techeiles on them; we see from here that the positive mitzvah of tzitzis overrides the prohibition of shatnez.)*

Tosfos explains why this exposition is necessary only according to Rabbi Eliezer, and not according to the *Chachamim*.

Tosfos makes mention of the fact that Rabbi Eliezer maintains that it is possible for a *nazir* to petition a sage to have his *nezirus* annulled.

The *Acharonim* challenge this from a *Gemora* in *Eruchin* (23a) where it is evident that Rabbi Eliezer holds that one cannot petition a sage to annul a *neder* of *hekdes*. Accordingly, one should not have the ability to annul his *nezirus*, for according to *Beis Shamai* (9a), *nezirus* and *hekdes* have the same *halachos*. This, Tosfos explains, is because it

is written by *nezirus*: *You shall be holy; grow the growth of your hair*. Thus we see that the laws of *hekdes* apply by *nezirus*. If so, why does Rabbi Eliezer make a distinction between *nezirus* and *hekdes* with respect to the laws of annulment?

The *Asvon D'oraysa* suggests the following to explain this: Perhaps Rabbi Eliezer holds that a *nazir tahor* cannot petition a sage to have his *nezirus* annulled, for he is regarded as being holy (like *hekdes*). However, a *nazir tamei* would have the ability to petition a sage to have his *nezirus* annulled; for he presently is not regarded as being holy (this is predicated upon the *Rambam*, who holds that the positive commandment of “*kodosh yih'yeh*” does not apply to a *nazir tamei*).