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Makkos Daf 21

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Shaving

The Mishna had stated: One can be liable (for rounding the corners of his head) two sets of lashes.

Rav Sheishes pointed to his temples (to show the students where the corners of the head are).

The Mishna had stated: One can be liable (for destroying the five corners of his beard) five sets of lashes; two from here, two from there, and one from below.

Rav Sheishes pointed to the joints of his beard (to show the students where the corners of the beard are).

Rabbi Eliezer had stated that if he removes all five corners at once, he is only liable once.

The Gemora explains because he holds that all five corners are included in one prohibition.

The Mishna had stated: He is not liable unless he removes his beard with a razor.

The Gemora cites a braisa: They should not shave the corners of their beard. One might think that he is even liable if he shaves with a scissors. The verse therefore states (regarding beards): And you should not destroy. If the prohibition is destroying, one would think that shaving with planes would make one liable. The verse says (regarding Kohanim): And they should not shave their

corners.” What is a case of shaving that entails destroying? This must mean shaving with a razor.

Rabbi Eliezer had said: He is liable even if he removed the corners with planes.

The Gemora explains: Although he does hold of the gezeirah shavah (and that is why it is permitted to use scissors for his beard, for it is not regarded as destroying), he holds that planes are regarded as shaving as well (and since they destroy as well, they cannot be used). (21a)

Mishna

One who tattoos: If he wrote (on his skin) but did not etch (it into his skin), or etched but did not write, he is not liable, until he writes and etches with black ink or blue dye, or anything that leaves a mark. Rabbi Shimon ben Yehudah says in the name of Rabbi Shimon: He is not liable unless he writes the name (of an idol) there, as it is written: You shall not place a tattoo upon yourselves; I am Hashem your God. (21a)

Tattooing

The Gemora explains that Rabbi Shimon means that he is not liable for lashes unless he tattoos the name of a pagan deity upon himself. This is derived from the verse: I am Hashem your God. I am Hashem, and there is no other deity.



Rav Malkiya said in the name of Rav Adda bar Ahavah: It is forbidden for a person to place burnt ashes on his wound (in order to heal it), for it gives the appearance of a tattoo (for a black mark will remain there forever).

Rav Nachman the son of Rav Ikka said: The rulings concerning a spit (that has been used for the roasting of meat on a festival, although it is deemed to be muktza, may be placed in a corner in an unusual manner), maidservants (even if a woman brings one hundred maids into the marriage, her husband can force her to knit, as her having nothing to do could lead to promiscuity) and pores (that these, even without pubic hairs growing from them, are sufficient indication of puberty) were authored by Rav Malkiyo; but those concerning locks of hair (an Israelite trimming the hairs of an idolater must withdraw his hand at a distance of three finger's breadth on every side of the forelock to avoid assisting them in servicing their idols), ashes (are forbidden to be spread on a wound in order to heal it because it gives the appearance of a tattoo), and cheese (made by idolaters are forbidden since they smear it with lard) were authored by Rav Malkiya.

Rav Pappa, however, said: If the statement is made concerning a Mishna or a braisa, the author is Rav Malkiya, but if it is concerning an Amora's statement, the author is Rav Malkiyo. And your mnemonic is: A Tannaic statement is a queen. (A statement issued by a Tanna is more authoritative than a statement from an Amora. Malkiya, whose name closely resembles queen, is to be associated with the Mishna and the braisa that are designated queen.)

The Gemora asks: What is the practical difference between them?

The Gemora answers: It is the statement concerning maidservants (which is recorded in a Mishna in Kesuvos; according to Rav Pappa, the statement concerning it must be that of R. Malkiya, while according to Rav Nachman, it

is included among the statements attributed to R. Malkiyo).

Rav Bibi bar Abaye ruled that the burnt ashes should not even be placed upon a small hole of a lancet in the skin.

Rav Ashi disagrees, for wherever there is a wound, it is evident that the mark was not for tattooing. (19b – 20a)

Mishna

If a nazir was drinking wine the entire day, he will only be liable once (he will only receive lashes one time). If they told him, "Do not drink, "Do not drink," but he kept on drinking, he will be liable for each and every time (that he drank after he was warned).

A nazir who was becoming tamei the entire day will only be liable once (he will only receive lashes one time). If they told him, "Do not become tamei," "Do not become tamei," but he kept on becoming tamei, he will be liable for each and every time (that he became tamei after he was warned).

A nazir who was shaving his head the entire day will only be liable once (he will only receive lashes one time). If they told him, "Do not shave," "Do not shave," but he kept on shaving, he will be liable for each and every time (that he shaved after he was warned).

Someone who was wearing kilayim (a garment of wool and linen) all day long will only be liable once (he will only receive lashes one time). If they told him, "Do not wear," "Do not wear," but he removed it and put it on again, removed it and put it on again, he will be liable for each and every time.

One who plows a single furrow can be liable for violating eight prohibitions. The case is when he plows with an ox and a donkey yoked together (where he violates the biblical



prohibition of “you shall not plow with an ox and donkey together”). The case refers to animals that are consecrated. [i.e. the ox has been consecrated as an offering and the donkey was donated to the treasury of the Bais HaMikdash. It is said: you shall not work with the firstborn of your ox, which is an ox that is brought on the mizbeiach, and subsequently one cannot work with any animal that is used for an offering. One also cannot derive benefit from anything that is hekdesch, so by plowing with the consecrated ox and donkey he violates an additional two prohibitions.] Furthermore, it is said: do not sow your vineyard with mixed species, and this prohibits one from planting wheat kernels, barley kernels, and grape seeds together. By plowing the animals, he (covers the seeds lying on the ground, and) violates the prohibition of planting the seeds together. The fifth violation is if the plowing occurs during the Shemittah year, the seventh year when one must allow his land to lie fallow. The sixth violation occurs if he plows on Yom Tov, when it is forbidden to plow (as he is certainly not plowing to prepare food for that day). He also violates a seventh and eighth prohibition if he is a Kohen and a nazir in a cemetery (because by plowing in a cemetery, he becomes tamei to the corpses buried there). (21a – 21b)

Shaatzneiz

The Gemora cites two opinions regarding the removing and donning a garment that contains shaatzneiz. Rav Acha the son of Rav Ikka showed that he will be liable several times if he slips in and out of the garment. [The Rishonim dispute whether he needs to completely remove the garment, or he is liable if he merely slips his arm in and out of the sleeve.] Rav Ashi says that he is liable even if he did not remove the garment at all; he is liable if he keeps it on again the amount of time it takes to remove it and put it back on again (provided that he was warned again). (21b)

Covering Kilayim Seeds

The Mishna had stated: One who plows a single furrow can be liable for violating eight prohibitions.

Rabbi Yannai said: A decision by vote was taken at a certain convention that one who merely covers over seeds of kilayim with earth is liable to lashes.

Rabbi Yochanan to him: Is that not what we learned in our Mishna: One who plows a single furrow can be liable for violating eight prohibitions; if he plows with an ox and a donkey that are yoked together, and they are consecrated, and the seeds are kilayim in a vineyard etc.? Now, the case where he makes himself liable by plowing is that he is covering the seeds with earth as he proceeds with the plow!?

Rabbi Yannai replied: If I had not lifted the shard for you, you would not have found the pearl underneath it. [If I would not have taught the halachah, you would not have gleaned it from that Mishna.]

Rish Lakish said to Rabbi Yochanan: Had not that great man (Rabbi Yannai) praised you, I would have said that the view expressed in the Mishna is Rabbi Akiva's, who said that one who maintains kilayim seeds incurs lashes.

Which statement of Rabbi Akiva was he referring to? It was taught in a braisa: One who pulls out weeds or covers kilayim seeds with earth receives lashes. Rabbi Akiva said: Even one who merely maintains them. (21b)

INSIGHTS TO THE DAF

Reasons for a Mitzvah

The Tur (Y”D 181) cites the Rambam who writes that the Torah prohibits rounding the corners of one's head and destroying one's beard because it was the practice of idolaters.



The Tur writes that we do not need to seek out the reasons for mitzvos, for they are the King's commandments, even if we do not understand the reason.

The Beis Yosef defends the Rambam, and he writes that there is no one who is concerned for the honor of the Torah and its mitzvos more than the Rambam. Although the laws of the Torah can be decrees from the King, nevertheless, wherever a reason for the mitzvah is found, it may be said. Whenever a reason cannot be found, it should be attributed to our shallow understanding. We are, nonetheless, obligated to fulfill those mitzvos that we do not understand its reasons in the same manner as we are obligated to fulfill those mitzvos that we do understand.

He concludes that the Rambam did not think up the reason for these mitzvos himself; rather, he saw from the juxtaposition of the verses that this is the reason for these prohibitions.

The Rama explains the Tur: Heaven forbid to think that the Tur suspected the Rambam to mean that if one does not understand the rationale for a mitzvah, he is not obligated to fulfill it. No sage will believe such a thing! However, those heretics who deny the truth of the Torah only believe in a mitzvah that they understand its reason. Rather, the following is the way that the Tur understood the Rambam: It is only if one shaves his head or destroys his beard in the same manner that the idolaters do; that is when one has transgressed this prohibition. The Tur writes that it is forbidden in any fashion whatsoever. Since the reason is not explicit in the Torah, the prohibition always applies. There is no room for leniency in a place where the reason is not applicable!

A Woman Shaving

The Torah writes [Vayikra 19:27]: Lo sakifu pe'as rosh'chem. You shall not round the corners of your head. Here, it is written in a plural form "roshchem." 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 halachah 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.

Electric Shaver

The "heter" to shave using an electric shaver is completely dependent on the interpretation of our Gemora. Much has been written to prove that shaving is prohibited, and Reb Moshe zt"l has always been the person to "blame" the heter on. Many of the distinctions that are made in determining which shavers are permissible such as the closeness of the shave, lift and cut, rotary vs. screen - are all not so relevant. Those who forbid electric shavers would forbid all types, and those who permit should permit all types.

The Gemora explains that there are two contradictory verbs used in conjunction with this prohibition: לא תשחית - Don't destroy (the hair), and לא יגלחו - Don't shave. The Gemora explains that if we were to forbid all "destruction,"

then tweezers would also be forbidden. If we were to forbid all “shaving,” then even scissors would be forbidden. However, the contradiction in terms yields an outcome that the only thing which is forbidden is גילוח שיש בו השחתה - when there is a combination of both shaving and destruction, which can only be achieved with a razor (הוי) (אומר זה תער).

The Rivan (Rashi) explains that it is only forbidden if it is normal to shave in that method and accomplishes the destruction of the hair by cutting it close to the root - tweezers destroy but are not normal to shave with, and scissors are normal but don't destroy.

The introduction of an electric shaver that shaves very close would likely qualify as “destruction.” Although a razor may be slightly closer than the best of electric shavers, it is difficult to accept that the minor difference would be sufficient to no longer consider this a “destruction” of the hair. Therefore, the many poskim who considered electric shavers to be problematic (i.e. Chofetz Chaim in Likutei Halachos) is because they achieve the goal of both “destruction” and qualify as “shaving.” The Gemora didn't recognize anything that could achieve “destruction” other than a razor, but since the Torah doesn't use the term “razor” - we would be forced to include the electric shaver in the category of גילוח שיש בו השחתה which is Biblically forbidden.

I consulted R' Nota Greenblatt on this issue. He said that although Reb Moshe never wrote a teshuvah about this, he was adamant about it being permitted. “Reb Moshe gave a haskamah to every person that asked, but would under no circumstances give a haskamah to a certain sefer, which prohibited electric shavers.” He explained that Reb Moshe didn't care about how much hair is left at the end, because he held that a תער - razor, is forbidden, anything else is permitted.

The difficulty with this approach is that it doesn't say “razor” in the Torah! It seems that Reb Moshe held that the contradiction between the verses led the Gemora to conclude the type of action that is prohibited, not the result. It may be true that the result of an electric shaver is identical to that of a razor, but the mechanics used in the hair removal is completely different. The razor rubs against the skin and cuts the hair with one blade, whereas the scissors doesn't rub against the skin rather utilizes the rubbing of two blades together to cut. The electric razor which rubs close to the screen and therefore successfully cuts the hair, simulates the scissor action, not the single blade action. This scissor motion is categorized in the language of the Shulchan Aruch (181:9) מספרים בעין תער אס (scissor motion, but close as a razor), and is permitted.

It should follow that by following Reb Moshe's approach, there should be no reason to test the sharpness of the blade, or remove the “lifter,” or discuss the closeness of the shave. Being that the mechanics of an electric shaver is a scissor action, they should all be permitted.

Perhaps those who test the shavers are concerned that if the blade is sharp enough to cut by itself, it may be doing just that. This approach is very difficult to understand since the blade is not rubbing against the skin, and not even rubbing against the screen (if it rubbed against the screen, it would sound like metal scraping against metal). Furthermore, the methods that are used to test the shavers don't seem to be valid forms of testing whether the blade could cut the much thicker and stiffer facial hair.