

אָמַר: אִי סֵלְקָא דְעֵתְךָ בִּי עֲבִיד נְמִי
בְּמִלְקָט וּבְרֵהִיטְנִי שְׂפִיר דְּמִי – לִישְׁתּוּק
קָרָא מִינֵיהּ, וְאֵנָּה אָמִינָא: וּמָה גָבִי
נְוִיר, דְּאִיסוּרָא קָא עֲבִיד – אֲפִילוּ הֲכִי
מִחַיִּיב, הֲכָא דְמִצְוָה – לֹא כָּל שְׂבָן?

They say in response: If it should enter your mind that if a leper performs his shaving with tweezers or a plane too, it is well and he has performed the mitzva, then let the verse be silent and refrain from the extra phrase, “his beard.” And I would say the following: And just as with regard to a nazirite, who performs a transgression by shaving his hair during his naziriteship and who, even so, is deemed liable for removing hair without the use of a razor, here too, in the case of a leper, where his shaving is a mitzva, does it not follow all the more so that he should be permitted to shave with any implement?

Perek VI
Daf 41 Amud a

HALAKHA

A positive mitzva and a prohibition, etc. – עֲשֵׂה וְלֹא תַעֲשֶׂה וְכוּ: Whenever a positive mitzva and a prohibition conflict with one another, if they can both be fulfilled this is best. If not, the positive mitzva overrides the prohibition (Rambam *Sefer Ahava, Hilkhot Tzitzit* 3:6 and *Hilkhot Mila* 1:9; *Sefer Hafla'a, Hilkhot Nezirut* 7:15; *Sefer Tahara, Hilkhot Tumat Tzara'at* 10:5; *Sefer Zera'im, Hilkhot Kilayim* 10:32; see *Sefer Nashim, Hilkhot Yibbum* 6:10 and *Hilkhot Na'ara Betula* 3:5; *Shulhan Arukh, Yoreh De'a* 266:1).

The verse states: His head – תְּלַמּוּד לִוְמֵר רֵאשׁוֹ: If a nazirite contracted leprosy, from which he was purified during his term of naziriteship, he must shave off all his hair, as the positive mitzva for a leper to shave overrides the prohibition for a nazirite against shaving (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 7:15).

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And Rabbi Eliezer, what is his reason – רַבִּי אֱלִיעֶזֶר מַאי טַעְמָא: In other words, in light of the earlier statement that according to the opinion of Rabbi Eliezer the mitzva of shaving a leper cannot be derived from that of a nazirite, from where does he derive that a leper must use a razor? Some explain that as Rabbi Eliezer renders one liable for removing his beard in any manner, the phrase “his beard” is necessary to permit all types of shaving by a leper, even with tweezers and a plane, as these too entail the violation of the prohibition against destroying one’s beard. Therefore, the Gemara asks about the source of his derivation that a leper is obligated to use a razor (*Tosafot*).

וְתוּ, אִי סֵלְקָא דְעֵתְךָ בִּי עֲבִיד בְּמִלְקָט
וּבְרֵהִיטְנִי מִצְוָה קָא עֲבִיד, מִדְּלָא כְּתִיב
תַּעֲרֵר – בְּרִישׁ לְקִישׁ, דְּאָמַר:

כָּל מְקוֹם שֶׁאַתָּה מוֹצֵא עֲשֵׂה וְלֹא
תַּעֲשֶׂה, אִם אַתָּה יָכוֹל לְקַיֵּם אֶת
שְׁנֵיהֶם – מוּטָב, וְאִם לֹא – יָבֵא עֲשֵׂה
וְיִדְחָה אֶת לֹא תַעֲשֶׂה.

And furthermore, if it should enter your mind that when he performs his shaving with tweezers or a plane he performs a mitzva, from the fact that the word razor is not written he should not be allowed to use a razor at all, in accordance with the opinion of Reish Lakish, who says a principle in this regard.

The Gemara cites the relevant principle: Any place where you find a positive mitzva and a prohibition^h that clash with one another, if you can find some way to fulfill both, that is preferable; and if that is not possible, the positive mitzva will come and override the prohibition. In this case the leper can fulfill his duty with tweezers or a plane, and therefore it should be prohibited for him to shave with a razor. Since it was necessary for the verse to say that the positive mitzva for a leper to shave overrides the prohibition against destroying one’s beard, this proves that the mitzva can be performed only with a razor.

וְרַבִּי אֱלִיעֶזֶר, מַאי טַעְמָא? וְלִיף
מִ“רֵאשׁוֹ”. דְּתַנְיָא: “רֵאשׁוֹ” מִה תְּלַמּוּד
לִוְמֵר? לְפִי שְׁנַאמְרַן גְּבִי נְוִיר “תַּעֲרֵר לֹא
יַעֲבֹר עַל רֵאשׁוֹ”, יָכוֹל אֶף נְוִיר מְצוּרַע
בֵּן – תְּלַמּוּד לִוְמֵר “רֵאשׁוֹ”.

The Gemara asks: And Rabbi Eliezer, what is his reason?ⁿ From where does he derive the halakha that a leper must use a razor? He derives it from the fact that the verse states with regard to a leper: “He shall shave all his hair off his head and his beard” (Leviticus 14:9). As it is taught in a baraita: Why does the verse state: “His head,” if it already stated: “All his hair”? It is because it is stated with regard to a nazirite: “No razor shall come upon his head” (Numbers 6:5), and therefore one might have thought that the same should also apply to a nazirite who is a leper, i.e., it should be prohibited for him to shave his head even for the purification ritual for his leprosy. Therefore, the verse states: “His head,”^h to teach that a nazirite who is a leper must shave his head with a razor. Being that a nazirite is prohibited only to use a razor, if a leper could fulfill his obligation to remove his hair using other implements, a nazirite who is a leper would not be permitted to use a razor. Therefore, it can be inferred from the halakha of a nazirite who is a leper that the only way for a leper to remove his hair is with a razor.

מִמַּאי? דְּלָמָּא לְעוֹלָם אֲפִילוּ לִיקְטוּ
בְּמִלְקָט וּבְרֵהִיטְנִי מִצְוָה קְעֲבִיד. וְכִי
תֵימָא: תַּעֲרֵר לְמָה לִי – לְמִימְרָא דְאֲפִילוּ
בְּתַעֲרֵר: סֵלְקָא דְעֵתְךָ אָמִינָא: הוֹאִיל
וְגַבִּי נְוִיר בִּי עֲבִיד בְּתַעֲרֵר מִחַיִּיב, גְּבִי
מְצוּרַע נְמִי לִיחַיִּיב – קָא מְשַׁמְעַ לָן
דְּלֹא!

The Gemara rejects this suggestion: And from where do you know that a leper must shave his head with a razor? Perhaps even if he actually removed it with tweezers or a plane he performs a mitzva. And if you would say: If so, why do I need the verse to teach me that he uses a razor, through the derivation of the superfluous term “his hair,” as above, one can answer: That is to say that he is permitted to shave even with a razor. As, it might enter your mind to say that since with regard to a nazirite, when he performs the act of shaving with a razor he is liable for transgressing the prohibition, with regard to a nazirite who is a leper as well, he should also be liable even if he shaved for his leprosy. The verse therefore teaches us that this is not the case, but it does not teach that a leper must use a razor.

One might have thought that the same should also apply to a leper – יכול אף מצורע בן – A leper must shave off all his visible hair, including his beard and the corners of his head (Rambam *Sefer Tahara, Hilkhhot Tumat Tzara't* 11:1).

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For this reason the Merciful One writes, his head – להכי – כתב רחמנא ראשו: This verse teaches the novel *halakha*, applicable to everyone, that shaving the entire head is also included in the prohibition of rounding the corners of the head. The very fact that it was necessary for the verse to emphasize that shaving is permitted indicates that the shaving of a leper, which involves the entire head, is considered rounding.

אי סלקא דעתך בי עביד במלקט ובריהיטני מצוה קעביד – מדלא פתב תנר, כריש לקיש.

The Gemara rejects this suggestion: **If it should enter your mind that when a leper performs his hair removal with tweezers or a plane he performs a mitzva, then from the fact that the verse did not explicitly write: Razor, it can be inferred that he is not allowed to use one, in accordance with the aforementioned principle of Reish Lakish that one may not violate a prohibition, even for the sake of a mitzva, if it is possible to perform the mitzva in a different manner. Rather, the verse must be coming to teach that the mitzva of the shaving of a leper can be fulfilled only with a razor.**

ורבנן, האי "ראשו" מאי דרשי ביה? מיבעי להו למידחי לאו דהקפה. דתנא: "לא תקיפו פאת ראשכם", יכול אף מצורע בן – תלמוד לומר "ראשו".

The Gemara asks: **And the Rabbis, with regard to this term: "His head," which is referring to a leper, what do they learn from it?** The Gemara answers: **They require this term to override the prohibition of rounding the corners of the head. As it is taught in a baraita with regard to the verse "You shall not round the corners of your heads" (Leviticus 19:27): One might have thought that the same should also apply to a leper, that it should also be prohibited for him to round the corners of his head when he shaves. Therefore, the verse states: "His head," with regard to a leper.**

למה לי למכתב "ראשו"? ותיפוק ליה מ"זקנו"! דתנא: "זקנו" מה תלמוד לומר? לפי שנאמר "ופאת זקנם לא יגלחו", יכול אף מצורע בן – תלמוד לומר "זקנו".

The Gemara asks: **Why do I need the Torah to write: "His head"? And let one derive this halakha that the mitzva of shaving overrides that prohibition from the term "his beard" (Leviticus 14:9). As it is taught in a baraita: Why does the verse state: "His beard"? It is because the verse states with regard to priests: "Neither shall they shave off the corners of their beards" (Leviticus 21:5), and therefore one might have thought that the same prohibition against shaving one's beard should also apply to a leper.^h Therefore, the verse states: "His beard."**

למה לי למכתב "ראשו" ולמה לי למכתב "זקנו"? צריכי, דאי כתב רחמנא "זקנו" ולא כתב "ראשו" הוה אמינא: הקפת כל הראש לא שמה הקפה, להכי כתב רחמנא "ראשו".

The Gemara asks: **If so, why do I need the Torah to write: "His head," and why do I need it to write: "His beard"? One source should suffice to teach that the shaving of a leper overrides any prohibitions that would be violated by that act. The Gemara answers: Both verses are necessary. As, had the Merciful One written only: "His beard," and not written: "His head," I would say that the rounding of the entire head, i.e., shaving all the hair off one's head and not merely the sides, is not called a prohibited rounding. If that were so, the shaving of a leper's head would not be prohibited by Torah law. For this reason the Merciful One writes: "His head,"ⁿ to teach that the shaving that the leper performs would be considered a prohibited rounding of the head had the Torah not commanded him to shave.**

Rounding the entire head is called rounding – הקפת כל – הראש שמה הקפה: The Torah prohibits the shaving of the corners of the head. A man who shaves the corners of his head and one who shaves his entire head are both liable to receive lashes for violating this prohibition (see 58a), as the corners are removed in both instances (*Shulhan Arukh, Yoreh De'a* 181:2).

Perek VI
Daf 41 Amud b

ואי כתב "ראשו" ולא כתב "זקנו" – הוה אמינא משמע תרתי: דאתי עשה ודחי את לא תעשה, ומשמע דהקפת כל הראש שמה הקפה, ואפתי בתער מנלן? להכי כתב רחמנא "זקנו".

And had the Torah written only: "His head," and not written: "His beard," I would say that "his head" teaches two matters. First, that a positive mitzva comes and overrides a prohibition. And it also teaches that rounding the entire head is called rounding.^h And still, from where do we derive that a leper must shave with a razor?ⁿ For this reason the Merciful One also wrote: "His beard," and we derive from the prohibition that bars priests from destroying their beards that the removal of the beard involves the use of a razor.

NOTES

And still, from where do we derive that a leper must shave with a razor – ואפתי בתער מנלן – According to this opinion, the prohibition against rounding the corners of the head is violated by the use of any destructive implement, not only a razor. Consequently, the mitzva for a leper to shave in any case overrides the prohibition against rounding, even if it does not require the use of a razor. Some commentaries derive from here that the prohibi-

tion against rounding the corners of the head does not refer to a razor in particular, but includes any destructive act (*Tosafot*). With regard to the *halakha*, some commentaries claim that the *halakha* in practice is otherwise, and the prohibition against rounding the corners of the head applies only to a razor (Meiri, in accordance with the opinion of the Rambam; Rid). This dispute remains undecided, and the *Shulhan Arukh* cites both opinions.

ורבי אליעזר, דאָתני עשה ודחי את לא תעשה מנליה? יליף מגדילים. דתנא: לא תלבש שעטניו,

The Gemara asks: **And Rabbi Eliezer, from where does he derive the general principle that a positive mitzva will come^N and override a prohibition?** The Gemara answers: **He derives it from the mitzva of ritual fringes. As it is taught in a *baraita*: This verse: “You shall not wear diverse kinds of wool and linen” (Deuteronomy 22:11),**

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And Rabbi Eliezer, from where does he derive that a positive mitzva will come, etc. – **ורבי אליעזר דאָתני עשה וכו'**: Rabbi Eliezer cannot derive this principle from the fact that the verse states: “His beard,” in connection to a leper, as it is possible that this verse is required to teach that even a leprous priest must shave his beard (Commentary on *Nazir*). The commentaries explain that “his beard” is necessary to include priests, as one might have thought that they are not permitted to shave at all, because they are subject to special stringencies (*Tosafot*). Others add that one cannot derive this general principle from the fact that the positive mitzva of shaving a leper overrides the prohibitions of a nazirite or a priest.

In the case of a nazirite, one can say that this is because his

vow can be dissolved by a halakhic authority, while the prohibition of a priest is considered a light prohibition, as it does not apply to all people (Commentary on *Nazir*). One suggestion is that the very fact that Rabbi Eliezer interprets “his beard” as referring to priests indicates that he must have an alternative source for the principle that a positive mitzva overrides a prohibition, as otherwise he would have explained that “his beard” comes to permit the shaving of the beard of a regular person, which is a case of one positive mitzva overriding a single prohibition. Evidently, Rabbi Eliezer must have a different proof for the general principle, which is why he derives from “his beard” that the mitzva of shaving a leper overrides both the prohibitions and the positive mitzvot of a priest (*Tosafot*).

Perek VI
Daf 42 Amud a

HALAKHA

You shall make for yourself fringes – גְּדִילִים תַּעֲשֶׂה לָךְ: By Torah law it is permitted to use woolen ritual fringes in a linen garment, as the prohibition of diverse kinds of cloth does not apply to the mitzva of ritual fringes. However, the Sages decreed that one should not do so, in case he wears the garment at night, when ritual fringes are not obligatory. In that case he would be transgressing the prohibition against wearing diverse kinds of cloth without fulfilling a mitzva (Rambam *Sefer Ahava, Hilkhot Tzitzit* 3:7).

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Rav Aḥa...said, etc. – **אָמַר רב אַחָא וכו'**: Some early commentaries have a different version of this discussion, which reads as follows. Rav Aḥa said: They taught this only with regard to an impure nazirite, but with regard to a pure nazirite, no, i.e., it is sufficient to shave most of his hair. From where do we learn this? From the fact that the Torah revealed with regard to an impure nazirite: “He shall shave it,” which indicates that in the case of a pure nazirite the majority of his head is like all of it. They laughed at it, i.e., this reasoning, in the West. These early commentaries claim that this version is preferable to that of the standard text of the Gemara, which entails several difficulties, not all of which have been resolved satisfactorily.

הא גְּדִילִים תַּעֲשֶׂה לָךְ מֵהֵם.

indicates that fringes in the mitzva stated in the adjacent verse: **“You shall make for yourself fringes”^H** (Deuteronomy 22:12), can be **from them**, wool and linen. By juxtaposing the mitzva of ritual fringes to the prohibition against diverse kinds of cloth, the Torah teaches that the positive mitzva of ritual fringes, which includes dyed blue wool, overrides the prohibition against diverse kinds of cloth, i.e., one may attach woolen ritual fringes to a linen garment. From here one derives the general principle that a positive mitzva overrides a prohibition.

אָמַר מִר: וְכוּלָם שְׁגִילוּחוּ שְׁלֵא בְּתַעַר, אוֹ שְׁשִׁירוּ שְׁתֵּי שְׁעָרוֹת – לֹא עָשׂוּ וְלֹא כְּלוּם. אָמַר רַב אַחָא בְּרִיה דְּרַב אִיקָא: זֹאת אוֹמֶרֶת רֹבּוּ בְּכוּלוֹ מִדְּאוּרֵייתָא.

S The Gemara returns to the mishna that teaches that nazirites, lepers, and Levites must shave their hair. **The Master said above: And with regard to all of them, if they shaved with an implement other than a razor, or if they left two hairs uncut, they have done nothing. Rav Aḥa, son of Rav Ika, said:^N That is to say that the principle: The majority of an entity is considered like all of it, applies by Torah law.**

מִמָּאִי – מִדְּגִלֵי רַחֲמֵנָא גְּבִי נְזִיר בְּיֹום הַשְּׁבִיעִי יִגְלַחֲנוּ; הֲכָא הוּא דְּעַד דְּאִיכָא בּוּלוֹ, הָא בְּעֵלְמָא – רֹבּוּ בְּכוּלוֹ.

The Gemara asks: **From where** do we learn this? The Gemara explains: This principle is derived **from the fact that the Merciful One revealed in the Torah and specified with regard to a nazirite: “On the seventh day he shall shave it”** (Numbers 6:9), despite the fact that the same verse already stated: “And he shall shave his head on the day of his cleansing.” This teaches that **it is only in this case here** that he does not fulfill the mitzva of shaving **until there is the removal of all of it**, i.e., shaving part of his head is insufficient. This shows that **in general the majority of an entity is like all of it.**

מִתְקִיף לָהּ רַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא: הָאִי בְּנְזִיר טָמֵא כְּתִיב! מִחֲכוּ עֲלֶהּ בְּמַעֲרָא: מִכְּדִי נְזִיר טָמֵא דְּבַתְעַר מְנַלְן – מִנְזִיר טָהוֹר וְלִיף. לִיתֵי נְזִיר טָהוֹר וְלִיף מִנְזִיר טָמֵא: מַה טָמֵא כִּי שִׁיר שְׁתֵּי שְׁעָרוֹת – וְלֹא כְּלוּם עֲבַד! הֲכָא נִמְוּ כִּי שִׁיר שְׁתֵּי שְׁעָרוֹת – וְלֹא כְּלוּם עֲבַד.

Rabbi Yosei, son of Rabbi Ḥanina, objects to this assertion. This verse: “On the seventh day he shall shave it,” is written with regard to a ritually impure nazirite, not a pure one, whereas the halakha in the mishna applies even to a pure nazirite. This shows that the above inference is invalid. They laughed at this difficulty in the West, i.e., Eretz Yisrael: After all, from where do we derive the halakha that an impure nazirite shaves with a razor? It is derived from the halakha of a pure nazirite. If so, let the case of a pure nazirite come and derive the following halakha from the case of an impure nazirite: Just as with regard to an impure nazirite, if he leaves two hairs he has done nothing, here too, if a pure nazirite leaves two hairs he has done nothing.