אֲמַר רַבָּה: מְחִיצָה לֶאֱכוֹל – דְּאוֹרַיְיתָא, מְחִיצָה לִקְלוֹט – דְּרַבָּנַן. וְכִי גְּזוּר רַבָּנַן – כִּי אִיתֵיהּ בְּעֵינֵיהּ, בְּטִבְלֵיהּ לָא גְּזוּר רַבָּנַן.

Rabba said: The *halakha* of the **wall with regard to eating** second-tithe produce, i.e., that second-tithe produce may not be eaten outside the wall of Jerusalem, is **by Torah law;**[H] the *halakha* of the **wall with regard to the admitting**[H] of second-tithe produce, i.e., that once the produce enters within the wall of Jerusalem, it may not be redeemed or taken beyond the wall, is **by rabbinic law. And when the Sages issued the decree** that one may not remove from Jerusalem second-tithe produce that entered within the walls, they did so **when** the tithe **is in its unadulterated form** after it was separated; but in a case where it is **in its** status of **untithed produce, the Sages did not issue a decree.**

רָבִינָא אָמַר: כְּגוֹן דְּנָקֵיט לֵיהּ בְּקַנְיָא, וְתִפְשׁוֹט בָּעֵיָא דְּרַב פַּפָּא.

Ravina said: Rabbi Yosei is referring to the case of second-tithe produce that was already separated and brought into Jerusalem, and the novel element of his statement is that he is referring to a fig that was not physically taken into Jerusalem; rather, it is a case **where one is holding** the fig **on a reed** outside Jerusalem, while he is standing inside Jerusalem. **And resolve the dilemma of Rav Pappa** (19b)[N] and conclude that if one is standing inside Jerusalem and holding second tithe outside the city on a reed, it is as though the produce entered the city.

מתני׳ הַקּוֹרֵחַ קָרְחָה בְּרֹאשׁוֹ, וְהַמַּקִּיף פְּאַת רֹאשׁוֹ, וְהַמַּשְׁחִית פְּאַת זְקָנוֹ, וְהַשּׁוֹרֵט שְׂרִיטָה אַחַת עַל הַמֵּת – חַיָּיב. שָׂרַט שְׂרִיטָה אַחַת עַל חֲמִשָּׁה מֵתִים, אוֹ חֲמֵשׁ שְׂרִיטוֹת עַל מֵת אֶחָד – חַיָּיב עַל כָּל אַחַת וְאַחַת.

MISHNA

One who creates a bald spot upon his head,[NH] **and one who rounds the edge of his head**[H] by shaving the hair adjacent to the ear, **and one who mars the edge of his beard,**[H] **and one who cuts one incision** in a display of mourning **over the dead,**[H] are all **liable** to receive lashes. If **he cut one incision over five dead** people, **or five incisions over one dead** person, he is **liable** to receive lashes **for each and every one.**

עַל הָרֹאשׁ – שְׁתַּיִם, אַחַת מִכָּאן וְאַחַת מִכָּאן, עַל הַזָּקָן – שְׁתַּיִם מִכָּאן וּשְׁתַּיִם מִכָּאן, וְאַחַת מִלְמַטָּה. רַבִּי אֱלִיעֶזֶר אוֹמֵר: אִם נִיטְּלוּ כּוּלָּן כְּאַחַת – אֵינוֹ חַיָּיב אֶלָּא אַחַת.

For rounding the edges of his **head,** one is liable to receive **two** sets of lashes, **one from here,** the hair adjacent to one ear, **and one from there,** the hair adjacent to the other ear. **For** marring the edges of his **beard** there are **two** edges **from here,**[NH] on one side of his face, **and two from there,** on the other side, **and one from below,** on his chin. **Rabbi Eliezer says: If** he **removed** the hair on **all** the edges of his beard **in one** action,[N] **he is liable** to receive **only one** set of lashes for all of them.

NOTES

And resolve the dilemma of Rav Pappa – וְתִפְשׁוֹט בָּעֵיָא דְּרַב פַּפָּא: The Rivan and others explain that according to this opinion there is no difference between the *halakha* of a wall with regard to eating and with regard to admitting the produce; in both cases, when untithed produce enters within the walls of Jerusalem, no obligation is generated. The *baraita* is referring to second tithe that was separated, and it teaches the novel *halakha* that although the produce was not actually taken into the city, but is suspended on a reed from one who is inside the city, it is as though the tithe entered Jerusalem. Rabbeinu Ḥananel explains that the *halakha* of the wall applies to the admitting and consumption of second-tithe produce that was not yet separated. Ravina's statement is referring to the opinion of Beit Hillel. Ravina is saying that the statement of Beit Hillel that second-tithe produce may be redeemed and need not be returned to the city applies even in a case where one had entered Jerusalem but the second-tithe produce was suspended on a reed outside the city. Beit Hillel rule more leniently than Rabbi Yosei in this regard. That is the ruling of the Rambam as well.

One who creates a bald spot upon his head – הַקּוֹרֵחַ קָרְחָה בְּרֹאשׁוֹ: Rabbeinu Yehonatan of Lunel writes that only detaching hairs with one's hand is considered creating a bald spot, but not shaving. That appears to be the opinion of the Rambam as well. Other early commentaries maintain that there is no difference in this regard; one who creates a bald spot, whether he does so with his hand or with an implement, is liable.

Two from here – שְׁתַּיִם מִכָּאן: The early commentaries disagree with regard to the identity of these five edges of the beard. Virtually all agree that one edge is the chin, although there is an opinion that locates it on the throat (see Rosh). They disagree with regard to the location of the two edges on each side. Rashi in tractate *Shevuot* (3a) explains that there are two edges on each side at the upper part of the beard adjacent to the ear, while Rabbeinu Ḥananel claims that there is only one edge in that area on each side and the other two are located at the corners of the moustache or lip. The Rivan contends that two are situated at the joint of the lower jawbone, beneath the ear, while the other two are at the sides of the chin (see Rambam, Meiri, and 21a).

He removed all the edges in one action – נִיטְּלוּ כּוּלָּן כְּאַחַת: The Ritva, citing the Ramah, writes that in practice one cannot remove all the edges of his beard all at once; rather it means that he removed all the edges of his beard in one continuous action. Rabbi Yehuda al-Madari states that it means he removed the hair on all the edges after a single forewarning.

HALAKHA

The wall with regard to eating is by Torah law – מְחִיצָה לֶאֱכוֹל דְּאוֹרַיְיתָא: In the case of anyone who eats an olive-bulk of second-tithe produce or drinks a quarter-*log* of second-tithe wine, if he does so outside the walls of Jerusalem he is liable to receive lashes, in accordance with the verse: "You may not eat within your gates the tithe of your grain or of your wine or of your oil" (Deuteronomy 12:17). By Torah law he is liable to receive lashes only if he consumes it outside the city after it entered the city walls (Rambam *Sefer Zera'im*, *Hilkhot Ma'aser Sheni* 2:5–6).

The wall with regard to admitting – מְחִיצָה לִקְלוֹט: Once second-tithe produce, including produce from *demai*, enters the walls of Jerusalem, it is prohibited to take the produce outside those walls, as the produce was admitted by the walls. The same applies to food acquired with second-tithe money, in accordance with the verse: "And you shall eat there, before the Lord your God" (Deuteronomy 14:26). If one took the food out of Jerusalem, or if it was taken out unwittingly, he must return it to within the walls and it must be eaten in Jerusalem. This *halakha* of the admitting by the walls is by rabbinic law (Rambam *Sefer Zera'im*, *Hilkhot Ma'aser Sheni* 2:9).

One who creates a bald spot upon his head – הַקּוֹרֵחַ קָרְחָה בְּרֹאשׁוֹ: One who creates a bald spot anywhere on his head in a display of mourning over a dead person, whether he detaches the hair by hand or with a depilatory agent, is liable to receive lashes. It makes no difference if he is a priest or a non-priest. One who creates four or five bald spots over one dead person is liable to receive lashes for each of the bald spots that he created, provided that he was forewarned for each, in accordance with the *baraita* (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:15 and *Sefer Shofetim*, *Hilkhot Sanhedrin* 19:4; *Shulḥan Arukh*, *Yoreh De'a* 180:9).

One who rounds the edge of his head – הַמַּקִּיף פְּאַת רֹאשׁוֹ: One who rounds the edges of his head with a razor is liable to receive lashes. Some say the same is true with regard to scissors that have an effect similar to that of a razor, and one should rule stringently according to that opinion. If he rounds both sides, he is flogged with two sets of lashes. This prohibition applies only to men, including Canaanite slaves, but not to women. Some claim that although it is permitted for a woman to round the edges of her own head, she may not round the edges of a man's head, even that of a minor (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:1 and *Sefer Shofetim*, *Hilkhot Sanhedrin* 19:4; *Shulḥan Arukh*, *Yoreh De'a* 181:1–3).

One who mars the edge of his beard – הַמַּשְׁחִית פְּאַת זְקָנוֹ: One who mars the edges of his beard is liable to receive lashes. A woman with a beard is permitted to mar it. With regard to a woman marring the edges of a man's beard, the *halakha* is the same as that concerning a woman rounding the edges of a man's head (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:7 and *Sefer Shofetim*, *Hilkhot Sanhedrin* 19:4; *Shulḥan Arukh*, *Yoreh De'a* 181:10).

One who cuts one incision over the dead – הַשּׁוֹרֵט שְׂרִיטָה אַחַת עַל הַמֵּת: One who cuts a single incision in his flesh in mourning the dead is liable to receive lashes, whether he is a priest or a non-priest. If he cut one incision over five dead people or five incisions over one dead person, he is flogged with five sets of lashes, provided he was forewarned for each incision (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:12 and *Sefer Shofetim*, *Hilkhot Sanhedrin* 19:4; *Shulḥan Arukh*, *Yoreh De'a* 180:8).

For marring his beard there are two edges from here, etc. – עַל הַזָּקָן שְׁתַּיִם מִכָּאן וכו׳: A beard has five edges: Two on each cheek and one on the chin. One who shaves them all simultaneously is flogged with five sets of lashes, in accordance with the unattributed mishna. As there are numerous opinions with regard to the precise location of these five edges, one who fears God will be certain not to shave any part of his beard with a razor. This includes the moustache, as Rabbeinu Ḥananel maintains that edges of the moustache are two of the edges of the beard. The Rema adds that this prohibition includes the area of the throat. It is permitted to use scissors that are similar to a razor in that area. The *Bah* rules stringently in that regard as well (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:7 and see 12:8; *Shulḥan Arukh*, *Yoreh De'a* 181:11, and see *Taz* and *Shakh* there).

וְאֵינוֹ חַיָּיב עַד שֶׁיְּטַלְּנוּ בְּתַעַר. רַבִּי אֱלִיעֶזֶר אוֹמֵר: אֲפִילּוּ לְקָטוֹ בְּמַלְקָט אוֹ בִּרְהִיטְנִי – חַיָּיב.

And one is liable for marring the edges of his beard **only if he removes** the hair **with a razor.**[NH] **Rabbi Eliezer says: Even if he removed** the hair **with tweezers** [***malket***][NL] **or with a plane** [***rehitni***],[L] he is **liable** to receive lashes.

גמ׳ תָּנוּ רַבָּנָן: ״לֹא יִקְרְחוּ״, יָכוֹל אֲפִילּוּ קָרַח אַרְבַּע וְחָמֵשׁ קְרִיחוֹת לֹא יְהֵא חַיָּיב אֶלָּא אַחַת? תַּלְמוּד לוֹמַר: ״קָרְחָה״ – לְחַיֵּיב עַל כָּל קָרְחָה וְקָרְחָה. ״בְּרֹאשָׁם״ מַה תַּלְמוּד לוֹמַר? לְפִי שֶׁנֶּאֱמַר ״לֹא תִתְגֹּדְדוּ וְלֹא תָשִׂימוּ קָרְחָה בֵּין עֵינֵיכֶם לָמֵת״, יָכוֹל לֹא יְהֵא חַיָּיב אֶלָּא עַל בֵּין הָעֵינַיִם בִּלְבַד, מִנַּיִן לְרַבּוֹת כָּל הָרֹאשׁ? תַּלְמוּד לוֹמַר ״בְּרֹאשָׁם״ – לְרַבּוֹת כָּל הָרֹאשׁ.

GEMARA **The Sages taught:** From the verse concerning priests: **"They shall not create** a bald spot upon their heads" (Leviticus 21:5), one **might** have thought that **even** if **he created four or five bald spots** in one action, **he will be liable to** receive **only one** set of lashes. Therefore, **the verse states: "Bald spot,"** in the singular, **to** render one **liable** to receive lashes **for each and every bald** spot. The verse continues: **"Upon their heads"; what** is the meaning when **the verse states** that term? **Since it is stated: "You shall neither lacerate yourselves, nor place a bald spot between your eyes for the dead"** (Deuteronomy 14:1), one **might** have thought **that one would be liable only for** placing a bald spot **between the eyes.**[N] **From where** is it derived **that** the prohibition **includes** placing a bald spot on **the entire head? The verse states: "Upon their heads," to include the entire head.**

וְאֵין לִי אֶלָּא בְּכֹהֲנִים, שֶׁרִיבָּה בָּהֶן הַכָּתוּב מִצְוֹת יְתֵירוֹת, יִשְׂרָאֵל מִנַּיִן?

And I have derived this prohibition **only with regard to priests,** for **whom the Torah established numerous additional mitzvot,** since the verse "They shall not create a bald spot" is written in the context of the *halakhot* of priests. **From where** do I derive that **a non-priest** is also liable for violating that prohibition?

נֶאֱמַר כָּאן ״קָרְחָה״ וְנֶאֱמַר לְהַלָּן ״קָרְחָה״, מַה לְּהַלָּן חַיָּיב עַל כָּל קָרְחָה וְקָרְחָה, וְחַיָּיב עַל הָרֹאשׁ כְּבֵין הָעֵינַיִם – אַף כָּאן חַיָּיב עַל כָּל קָרְחָה וְקָרְחָה, וְחַיָּיב עַל הָרֹאשׁ כְּבֵין הָעֵינַיִם. וּמַה לְּהַלָּן עַל מֵת – אַף כָּאן עַל מֵת.

"Bald spot" is stated here (Deuteronomy 14:1) with regard to non-priests, **and "bald spot" is stated there,** with regard to priests; **just as there,** with regard to priests, one is **liable for each and every bald spot** that he creates, **and is liable for** a bald spot created anywhere on his **head as** he is for a bald spot created **between the eyes, so too here,** with regard to a non-priest, one is **liable for each and every bald spot** that he creates, **and is liable** for a bald spot created anywhere on his **head as** he is for a bald spot created **between the eyes. And just as there,** with regard to non-priests, the prohibition is stated with regard to creating a bald spot as an expression of mourning **over the dead; so too here,** with regard to priests, the prohibition is stated with regard to creating a bald spot as an expression of mourning **over the dead.**

הָנֵי אַרְבַּע וְחָמֵשׁ קְרִיחוֹת הֵיכִי דָּמֵי? אִילֵימָא בְּזֶה אַחַר זֶה, וּבְחָמֵשׁ הַתְרָאוֹת – פְּשִׁיטָא!

The Gemara asks: With regard to **these four or five bald spots** created over one dead person, for which one is liable to receive lashes for each and every spot, **what are the circumstances? If we say** that he created those bald spots **one after the other and with five** separate **forewarnings,** one preceding each action, it is **obvious** that he is liable for each and every bald spot; in that case he is one who violates the same prohibition several times and is punished for each violation for which he was forewarned.

NOTES

Only if he removes it with a razor – עַד שֶׁיְּטַלְּנוּ בְּתַעַר: Some understand that this *halakha* applies only to the marring of the beard. The prohibition against rounding the edges of the head is violated with a razor or with scissors that have an effect similar to a razor (Rosh). Others hold that this *halakha* applies equally to marring the edges of the beard and to rounding the edges of the head (Rid).

Tweezers [*malket*] – מַלְקָט: Most commentaries explain that *malket* is referring to tweezers used for plucking hair. Rashi elsewhere explains that like the *rehitni* with which it is mentioned, *malket* is a plane or a file, an implement used for smoothing and polishing metal vessels. Rabbi Yehuda al-Madari, citing the *ge'onim*, states that it is a metal strip with a very sharp edge. It is placed beneath the hair, which is pressed against the blade with the thumb, thereby removing the hairs. As noted by the commentaries, there are halakhic ramifications for the different definitions of this utensil.

Between the eyes – בֵּין הָעֵינַיִם: This expression here and elsewhere refers to the hair at the hairline at the front of his head.

LANGUAGE

Tweezers [*malket*] – מַלְקָט: Rashi indicates that this is a kind of small file used primarily for metal. The *Arukh* explains that it means a small pair of tongs or tweezers used for pulling out hair by the roots. Similarly, Onkelos translates the Hebrew *melkaḥayim*, tongs, into Aramaic as *malket*.

Roman tweezers from the second century BCE

Plane [*rehitni*] – בִּרְהִיטְנִי: Apparently from Greek, although the precise derivation is unclear. Some suggest it is derived from the Greek ῥυκάνη, *rhukanē*, meaning plane. Others suggest it is from ῥίνη, *rhinē*, meaning rasp or file.

Carpenter's plane resembling those from the mishnaic period

HALAKHA

And one is liable only if he removes with a razor – וְאֵינוֹ חַיָּיב עַד שֶׁיְּטַלְּנוּ בְּתַעַר: One is liable for marring the edges of his beard only if he does so with a razor. Some say this is also the *halakha* with regard to rounding the edges of one's head, but others disagree. Therefore, one must refrain from rounding even with other implements or with a depilatory agent. One may shave his beard with scissors even if the result approximates the result of shaving with a razor. It is also permitted to remove the hair with a depilatory agent. The Rema, citing *Terumat HaDeshen*, writes that one must take care when cutting his beard with scissors to cut with the upper blade rather than with the lower, sharper, blade, as cutting with the lower blade alone is tantamount to shaving with a razor. In any case, the Rema permits using the lower blade on the hair on the throat because he holds it is not one of the edges of the beard. The Ari would not shave his beard at all. When it interfered with his eating, he would trim his moustache with scissors (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:7; *Shulḥan Arukh*, *Yoreh De'a* 180:3, 10).

אֶלָּא בַּחֲדָא הַתְרָאָה – מִי מְחַיַּיב? וְהָתְנַן: נָזִיר שֶׁהָיָה שׁוֹתֶה יַיִן כָּל הַיּוֹם – אֵינוֹ חַיָּיב אֶלָּא אַחַת. אָמְרוּ לוֹ ״אַל תִּשְׁתֶּה״, ״אַל תִּשְׁתֶּה״, וְהוּא שׁוֹתֶה – חַיָּיב עַל כָּל אַחַת וְאַחַת! לָא צְרִיכָא, דְּסָךְ חֲמֵשׁ אֶצְבְּעוֹתָיו נָשָׂא וְאוֹתְבִינְהוּ בְּבַת אַחַת, דְּהָוְיָא לֵיהּ הַתְרָאָה לְכָל חֲדָא וַחֲדָא.

Rather, say that he created five bald spots **with one forewarning; is one liable** in that case? **But didn't we learn** in a mishna (21a): **A nazirite who was drinking**[H] **wine all day is liable** to receive **only one** set of lashes; if onlookers **said to him: Do not drink, do not drink,** forewarning him several times, **and he drinks** after each forewarning, he is **liable** to receive lashes **for each and every** drink. The Gemara answers: **No,** this *halakha* **is necessary only** with regard to one **who,** after one forewarning, **smeared his five fingers**[N] in a **depilatory** agent [*nasha*][NL] **and** then **placed** his fingers **simultaneously** on his hair, thereby creating five bald spots, **as** in that case, **it is** tantamount to **a forewarning for each and every** bald spot[H] that he created. The novel element is that each bald spot is an independent transgression.

וְכַמָּה שִׁיעוּר קָרְחָה? רַב הוּנָא אוֹמֵר: כְּדֵי שֶׁיֵּרָאֶה מֵרֹאשׁוֹ. רַבִּי יוֹחָנָן אוֹמֵר מִשּׁוּם רַבִּי אֶלְעָזָר בְּרַבִּי שִׁמְעוֹן: כִּגְרִיס. דְּתַנָּאֵי: כַּמָּה שִׁיעוּר קָרְחָה – כִּגְרִיס, אֲחֵרִים אוֹמְרִים: כְּדֵי שֶׁיֵּרָאֶה מֵרֹאשׁוֹ.

§ The Gemara asks: **And how much is the measure of a bald spot**[H] for which one is liable? **Rav Huna says:** It must be of **sufficient** size so **that** bald skin **will be visible on his head. Rabbi Yoḥanan says in the name of Rabbi Elazar, son of Rabbi Shimon:** It is the size of **a Cilician bean** [*kigeris*].[L] The Gemara comments: This amoraic dispute is **parallel to** a dispute between ***tanna'im*: And how much is the measure of a bald spot?** It is the size of **a Cilician bean.** ***Aḥerim* say:** It must be of **sufficient** size so **that** bald skin **will be visible on his head.**

אָמַר רַב יְהוּדָה בַּר חֲבִיבָא: פְּלִיגִי בָּהּ תְּלָתָא תַּנָּאֵי, חַד אוֹמֵר: כִּגְרִיס, וְחַד אוֹמֵר: כְּדֵי שֶׁיֵּרָאֶה מֵרֹאשׁוֹ, וְחַד אוֹמֵר: כִּשְׁתֵּי שְׂעָרוֹת. וְאִיכָּא דְּמַפֵּיק שְׁתֵּי שְׂעָרוֹת וּמְעַיֵּיל בְּכַעֲדָשָׁה. וְסִימָנָךְ: בַּהֶרֶת כִּגְרִיס וּמִחְיָה בְּכַעֲדָשָׁה.

Rav Yehuda bar Ḥaviva said that there are **three *tanna'im*** who **disagree concerning** this matter. **One says:** A spot the size of **a Cilician bean; and one says:** A spot of **sufficient** size so **that** bald skin **will be visible on his head; and one says:** A spot that is the measure **of two hairs. And there is one who removed** the opinion that it is the measure of **two hairs, and inserted** an opinion that it is the size **of a lentil. And your mnemonic** to remember the different opinions is from a mishna with regard to the *halakhot* of leprosy (*Nega'im* 6:5): The measure of impurity for **a snow-white leprous mark** [***baheret***] is **a Cilician bean, and** the measure of impurity for the **raw** flesh that grows within the *baheret* is **a lentil.**

תָּנָא: הַנּוֹטֵל מִלֹּא פִּי הַזּוּג בְּשַׁבָּת – חַיָּיב. וְכַמָּה מִלֹּא פִּי הַזּוּג? אָמַר רַב יְהוּדָה: שְׁתַּיִם. וְהָתַנְיָא: לְקָרְחָה שְׁתַּיִם! אֵימָא: וְכֵן לְקָרְחָה שְׁתַּיִם.

In a related *halakha,* the Sages **taught: One who removes a scissorsful** [***melo pi hazug***][L] of hair from his head **on Shabbat is liable. And how much is a scissorsful? Rav Yehuda says: Two** hairs. The Gemara asks: **But isn't it taught** in a *baraita*: **For a bald spot** the measure is **two** hairs, from which it may be inferred that the measure with regard to labor on Shabbat is different than for a bald spot. The Gemara answers: Emend the *baraita* and **say: And likewise with regard to a bald spot** the measure is **two** hairs, indicating that the measure for Shabbat and the measure for a bald spot are the same.

NOTES

Who smeared his five fingers, etc. – דְּסָךְ חֲמֵשׁ אֶצְבְּעוֹתָיו וכו': In this scenario he did not perform the transgressions sequentially after the forewarning; rather, the forewarning applies directly to each bald spot that he created (Riva).

Depilatory agent – נָשָׂא: The Ritva states that apparently, with regard to the prohibition against creating bald spots, there is no difference whether the hair is removed by hand or by means of a depilatory agent. By contrast, with regard to the beard, the prohibition is against destruction of the hair with a razor, not with a depilatory.

LANGUAGE

Depilatory agent [*nasha*] – נָשָׂא: The source of this word is unclear. Some associate it with the word *nasham*, found in the Mishna (*Nega'im* 10:10), meaning a type of medicinal balm.

In modern times, depilatory agents are commonly used. Typically, they have a chemical effect that decomposes the hair, enabling its easy removal. Certain sulfide salts are also used for this purpose; perhaps *nasha* was based on similar substances with the addition of limestone. The application of *nasha* would remove hair for an extended period of time, and occasionally was so effective that it prevented regrowth completely.

Cilician bean [*geris*] – גְּרִיס: The Sages interpreted this measure as referring to the area of a split Cilician bean, known today as the broad bean or fava bean. Beans were often split in two along their seams in preparation for cooking. A split bean was a convenient measure for a small area, such as that of a mark or a stain, since the interior side was smooth and could be laid down flat on the skin or a piece of cloth. Among contemporary halakhic authorities, the area of a broad bean is held to be equal to that of a circle between 19 and 21 mm in diameter.

Broad bean on a grid of 5 mm squares

Scissors [*zug*] – זוג: Although usage of this term and the words derived from it are quite ancient in Hebrew as well as in other Semitic languages, the consensus is that it comes from the Greek ζυγόν, *zugon*, whose basic meaning is that of a brace of cattle, from which it was extended to denote any item created by the joining of two components. The Sages also employ the term in that sense. In this context, the reference is to a cutting implement assembled from two components, i.e., scissors.

HALAKHA

A nazirite who was drinking, etc. – נָזִיר שֶׁהָיָה שׁוֹתֶה וכו': A nazirite who was drinking wine throughout the entire day is liable to receive only one set of lashes for drinking the wine, even though he violates a separate prohibition for each and every quarter-*log* that he drinks. He receives a second set of lashes for violating the prohibition: "He may not profane his word" (Numbers 30:3). If he was forewarned with regard to each and every quarter-*log*, he is liable for drinking and receives lashes for each and every quarter-*log* (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 12:15).

Forewarning for each and every bald spot – הַתְרָאָה לְכָל חֲדָא וַחֲדָא: If one dipped five fingers in a depilatory agent and placed each finger on a different spot on his head simultaneously, he has performed five acts of creating a bald spot; even if he was forewarned only once, he is liable to receive five sets of lashes (Rambam *Sefer HaMadda, Hilkhot Avoda Zara* 12:15).

How much is the measure of a bald spot – כַּמָּה שִׁיעוּר קָרְחָה: The measure of a bald spot for which one is liable is one the size of a Cilician bean that is visible on his head. The *halakha* is in accordance with the opinion of Rabbi Yoḥanan. Others say that the relevant measure is two hairs (Rosh). Yet others maintain that pulling out even a single hair is prohibited (Rambam *Sefer HaMadda, Hilkhot Avoda Zara* 12:15; *Shulḥan Arukh, Yoreh De'a* 180:9).

תַּנְיָא נַמִּי הָכִי: הַנּוֹטֵל מִלֹּא פִּי הַזּוֹג בְּשַׁבָּת – חַיָּיב. וְכַמָּה מִלֹּא פִּי הַזּוֹג – שְׁתַּיִם, רִבִּי אֱלִיעֶזֶר אוֹמֵר: אַחַת. וּמוֹדִים חֲכָמִים לְרִבִּי אֱלִיעֶזֶר בִּמְלַקֵּט לְבָנוֹת מִתּוֹךְ שְׁחוֹרוֹת, אֲפִילּוּ אַחַת, שֶׁהוּא חַיָּיב. וְדָבָר זֶה אֲפִילּוּ בַּחוֹל אָסוּר, מִשּׁוּם שֶׁנֶּאֱמַר "לֹא יִלְבַּשׁ גֶּבֶר שִׂמְלַת אִשָּׁה".

That is also taught in a *baraita*: **One who removes a scissorsful**[H] of hair **on Shabbat is liable. And how much is a scissorsful?** It is **two** hairs. **Rabbi Eliezer says: One** hair. **And the Rabbis concede to Rabbi Eliezer in** the case of **one who removes white** hairs **from black** ones, **even** if he removes **one** hair, **that he is liable.** Since his intent was to remove that particular hair, its removal constitutes a complete action. The Gemara adds: **And** for a man, **that matter is prohibited even during the week,**[H] **due to** the fact **that it is stated: "Neither shall a man don a woman's garment"** (Deuteronomy 22:5). Removal of white hairs for the purposes of beautification is characteristic of women, and it is prohibited for a man to perform those actions.

"וְהַמַּקִּיף פְּאַת רֹאשָׁן" וכו'. תָּנוּ רַבָּנַן: "פְּאַת רֹאשׁוֹ" – סוֹף רֹאשׁוֹ, וְאֵיזֶהוּ סוֹף רֹאשׁוֹ – זֶה הַמַּשְׁוֶה צִדָּעָיו לַאֲחוֹרֵי אָזְנוֹ וּלְפַדַּחְתּוֹ.

§ The mishna teaches: **And one who rounds the edge of his head** is flogged. **The Sages taught: The edge of his head** is **the extremity of his head. And what is the extremity of his head?**[H] **This is** a reference to **one who levels** the hairline of **his temples**[N] **to** the hairline **behind his ear and to** the hairline of **his forehead.** There is no hair behind the ears or on the forehead. One who removes the hair from the temples so that they are like those areas violates the prohibition against rounding the edges of his head.

תָּנֵי תַּנָּא קַמֵּיהּ דְּרַב חִסְדָּא: אֶחָד הַמַּקִּיף וְאֶחָד הַנִּיקָּף, לוֹקֶה. אֲמַר לֵיהּ: מַאן דְּאָכֵיל תְּמָרֵי בְּאַרְבִּילָא לָקֵי?! דְּאָמַר לָךְ: מַנִּי – רַבִּי יְהוּדָה הִיא, דְּאָמַר: לָאו שֶׁאֵין בּוֹ מַעֲשֶׂה לוֹקִין עָלָיו.

The *tanna* taught a *baraita* **before Rav Ḥisda: Both one who rounds** the edges of his head **and one** for **whom** the edges of his head **are rounded**[NH] are **flogged.** Rav Ḥisda **said to him: Is one who eats dates** that are **in a sieve** [***arbeila***][L] **flogged?** By analogy, if a person rounded the edges of another's head, why should the person whose head was rounded receive lashes? He performed no action. Rav Ḥisda proceeded to explain to the *tanna*: In response to one **who says to you: Who is** the *tanna* of the *baraita*? Say that **it is Rabbi Yehuda, who says:** In the case of **a prohibition that does not involve an action, one is flogged for its** violation.

רָבָא אוֹמֵר: בְּמַקִּיף לְעַצְמוֹ, וְדִבְרֵי הַכֹּל. רַב אַשִׁי אוֹמֵר: בְּמְסַיֵּיעַ, וְדִבְרֵי הַכֹּל.

Rava says: This *baraita* can be explained as referring **to one who rounds** the edges of his head **for himself,** and he is liable both for rounding the edges of his head and for having the edges of his head rounded; **and everyone agrees** that he is flogged because he performed an action. **Rav Ashi says:** This *baraita* can be explained as referring to a case **where** the one for whom the edges of his head are being rounded **assists** the person rounding his head, by repositioning his head to facilitate that rounding, **and everyone agrees** that he is flogged.

NOTES

One who levels the hairline of his temples – הַמַּשְׁוֶה צִדָּעָיו: There is a hairless area behind the ears. One who cuts the hair of his head in a manner where a straight line is formed with his hairline on the front of his head, violates the prohibition: You shall not round (Rivan). Most commentaries maintain that the hair that descends on the temples is the edge of one's head.

The early commentaries disagree with regard to the definition of the edge of the head. The Rivan contends that it reaches below the ear, to the edge of the jaw, where the edge of the beard begins (*Shulḥan Arukh*). Most claim that it continues to the top of the cheekbone. Others hold that the hair between the cheekbone and the edge of the jaw is considered neither the edge of the head nor the edge of the beard (see Ritva).

Both one who rounds the edges of his head and one for whom the edges of his head are rounded – אֶחָד הַמַּקִּיף וְאֶחָד הַנִּיקָּף: Some say that the phrase: "You shall not round [*lo takkifu*]" (Leviticus 19:27) also means: Do not allow one to round your head. Therefore, both one who performs the rounding itself and one who allows his head to be rounded is liable. Others explain that this is derived from the fact that the verse is formulated in the plural (Rivan; Rabbi Avraham *Av Bet Din*).

LANGUAGE

Sieve [*arbeila*] – אַרְבִּילָא: This word means a sifter or sieve. It is derived from the root *alef, reish, beit,* which refers to the mixing [*le'arev*] of flour before it is sifted. It is similar to the words arbala in Syriac, and غربال, *ghirbāl*, in Arabic.

HALAKHA

One who removes a scissorsful – הַנּוֹטֵל מִלֹּא פִּי הַזּוֹג: It is prohibited to remove one's hairs on Shabbat either by hand or with an implement. One who cuts two hairs is liable for performing a prohibited labor on Shabbat. If he removes white hairs from black ones, he is liable for removing a single hair (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 9:9; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 340:1).

Prohibited even during the week – אֲפִילּוּ בַּחוֹל אָסוּר: It is prohibited for a man to pluck white hairs from among black ones. Even if he removed a single white hair from the black ones he violates the prohibition of a man wearing a woman's garment. The Ra'avad questions why one should be liable to receive lashes for doing so, as the Gemara states that it is a mere prohibition, as opposed to a prohibition for which one would be liable to receive lashes for transgressing it. Furthermore, removing one hair does not constitute an adornment of a woman, as it is not at all noticeable (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:10; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 340:1 and *Yoreh De'a* 182:6).

What is the extremity of his head – אֵיזֶהוּ סוֹף הָרֹאשׁ: The edge of the head is at the temples, at the level of his hairline at the front of his head until below the ear, adjacent to the joint of the lower jaw. The Sages did not provide the measure of its width. The Rambam cites a tradition that it is no less than four hairbreadths, while in the *Tosefta* it is taught that one is flogged even for two hairs. The *Shulḥan Arukh* rules that since there is uncertainty with regard to this matter, which involves a Torah prohibition, one must refrain from shaving any part of the edge of his head (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:1; *Shulḥan Arukh*, *Yoreh De'a* 181:1, 10).

Both one who rounds the edges of his head and one for whom the edges of his head are rounded – אֶחָד הַמַּקִּיף וְאֶחָד הַנִּיקָּף: Anyone who rounds the edges of the head of any male, even that of a minor, is liable to receive lashes. One whose head is rounded is also liable to receive lashes if he moves his head to assist the one cutting his hair, in accordance with Rav Ashi's explanation of the *baraita*. In any case, even if he offers no assistance, it is prohibited for one to have his head rounded, even by a gentile (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:1; *Shulḥan Arukh*, *Yoreh De'a* 181:4).

״וְהַמַּשְׁחִית פְּאַת זְקָנוֹ״. תָּנוּ רַבָּנַן: ״פְּאַת זְקָנוֹ״ – סוֹף זְקָנוֹ, וְאֵיזֶהוּ סוֹף זְקָנוֹ – שִׁבּוֹלֶת זְקָנוֹ.

§ The mishna teaches: **And one who mars the edge of his beard** is flogged. **The Sages taught: The edge of his beard** is **the extremity of his beard. And what is the extremity of his beard?** It is **the stalk of his beard,** i.e., the five edges of the beard enumerated in the mishna where hair collects in one spot, like grain on stalks.

״וְהַמְשָׂרֵט שְׂרִיטָה אַחַת״ וכו׳. תָּנוּ רַבָּנַן: ״וְשֶׂרֶט״, יָכוֹל אֲפִילּוּ שָׂרַט עַל בֵּיתוֹ שֶׁנָּפַל וְעַל סְפִינָתוֹ שֶׁטָּבְעָה בַּיָּם? תַּלְמוּד לוֹמַר ״לָנֶפֶשׁ״ – אֵינוֹ חַיָּיב אֶלָּא עַל הַמֵּת בִּלְבַד. וּמִנַּיִן לַמְשָׂרֵט חָמֵשׁ שְׂרִיטוֹת עַל מֵת אֶחָד, שֶׁהוּא חַיָּיב עַל כָּל אַחַת וְאַחַת? תַּלְמוּד לוֹמַר ״וְשֶׂרֶט״, לְחַיֵּיב עַל כָּל שְׂרִיטָה וּשְׂרִיטָה.

§ The mishna teaches: **And one who cuts one incision** in a display of mourning **over the dead** is flogged. **The Sages taught** a halakhic midrash on the verse: "And an incision for the soul you shall not place in your flesh" (Leviticus 19:28). Had the verse stated only: **"And an incision,"** one **might** have thought that this prohibition applies to any incision cut in sorrow, **even** if he **cut** an incision in sorrow **over his house that collapsed,**[H] **or over his ship that sunk at sea.** Therefore, **the verse states: "For the soul,"** from which it is derived that **he is liable** for an incision in mourning **only for the dead alone. And from where** is it derived **that one who cuts five incisions** in mourning **over one dead** person **is liable for each and every** incision? **The verse states: "And an incision" to render** him **liable for each and every incision.**[N]

רַבִּי יוֹסֵי אוֹמֵר: מִנַּיִן לַמְשָׂרֵט שְׂרִיטָה אַחַת עַל חֲמִשָּׁה מֵתִים, שֶׁהוּא חַיָּיב עַל כָּל אַחַת וְאַחַת? תַּלְמוּד לוֹמַר ״לָנֶפֶשׁ״ – לְחַיֵּיב עַל כָּל נֶפֶשׁ וָנֶפֶשׁ.

Rabbi Yosei says: From where is it derived **concerning one who cuts one incision** in mourning **over five dead** people, **that he is liable for each and every** person for whom he cut that incision? **The verse states: "For the soul," to render** him **liable for each and every dead** person.

וְהָא אַפִּיקְתֵּיהּ לְבֵיתוֹ שֶׁנָּפַל וְלִסְפִינָתוֹ שֶׁטָּבְעָה בַּיָּם!

The Gemara asks: **But didn't you** already **derive** from the term "for the soul" an exemption for one who cut an incision in sorrow **over his house that collapsed, or over his ship that sunk at sea?**

HALAKHA

Over his house that collapsed, etc. – עַל בֵּיתוֹ שֶׁנָּפַל וכו׳: One who cuts an incision in his flesh is liable only if he did so over the dead or for idol worship. One violates the prohibition whether or not the incision was cut in the presence of the corpse. This prohibition does not apply to incisions motivated by any other type of grief. The *Bah* writes that even in that case it is prohibited (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:12; *Shulḥan Arukh*, *Yoreh De'a* 180:5–6, and in the comment of Rema).

NOTES

And an incision, to render him liable for each and every incision – וְשֶׂרֶט לְחַיֵּיב עַל כָּל שְׂרִיטָה וּשְׂרִיטָה: The verse could have been formulated: And you shall not cut for a soul, omitting the term incision. Alternatively, his liability for each and every incision is derived from the prefix "and" in the term "and an incision" (see Rivan and Rabbeinu Yehonatan of Lunel).

Perek **III**
Daf **21** Amud **a**

קָסָבַר רַבִּי יוֹסֵי: שְׂרִיטָה וּגְדִידָה אַחַת הִיא, וּכְתִיב הָתָם ״לָמֵת״.

The Gemara answers: Rabbi Yosei derives that *halakha* from a different source, as **Rabbi Yosei holds** that **an incision** over the dead **and a laceration** over the dead **are one** transgression, **and it is written there,** with regard to laceration: "You shall neither lacerate yourselves, nor place a bald spot between your eyes **for the dead**" (Deuteronomy 14:1), indicating that one is liable for cutting oneself in mourning only over a dead person. Therefore he can derive from the term "for the soul" that one is liable for each and every soul over whom he cut the incision.

אָמַר שְׁמוּאֵל: הַמְשָׂרֵט בִּכְלִי – חַיָּיב. מֵיתִיבִי: שְׂרִיטָה וּגְדִידָה אַחַת הִיא, אֶלָּא שֶׁשְּׂרִיטָה בַּיָּד וּגְדִידָה בִּכְלִי! הוּא דְּאָמַר כְּרַבִּי יוֹסֵי.

On a related note, the Gemara cites that which **Shmuel says: One who cuts** [*mesaret*] his flesh **with a utensil** in mourning over the dead is **liable.** The Gemara **raises an objection** from a *baraita*: **An incision** [*serita*] **and a laceration are one** transgression, as they are both performed over the dead; **but** the difference is that **an incision is** cut **by hand,** i.e., with one's fingernails, while **a laceration is** cut **with a utensil.** Apparently, cutting an incision is not accomplished with a utensil. The Gemara answers: Shmuel **stated** his opinion **in accordance with** the opinion of **Rabbi Yosei,** who holds that an incision and a laceration are synonymous in every sense.

תָּנֵי תַּנָּא קַמֵּיהּ דְּרַבִּי יוֹחָנָן: עַל מֵת, בֵּין בְּיָד בֵּין בִּכְלִי – חַיָּיב, עַל עֲבוֹדָה זָרָה, בַּיָּד – חַיָּיב, בִּכְלִי – פָּטוּר. וְהָא אֵיפְכָא כְּתִיב: ״וַיִּתְגֹּדְדוּ כְּמִשְׁפָּטָם בַּחֲרָבוֹת וּבָרְמָחִים״! אֶלָּא אֵימָא: בַּיָּד פָּטוּר, בִּכְלִי חַיָּיב.

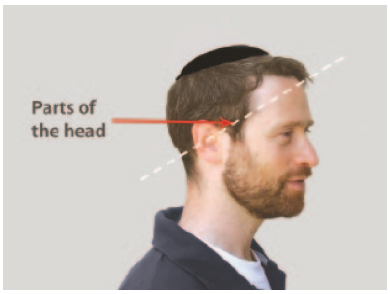
The Gemara relates: **A *tanna* taught** a *baraita* **before Rabbi Yoḥanan:** One who cuts an incision **over a dead** person, **whether** he did so **by hand or with a utensil,** is **liable.** Concerning one who cuts an incision **for idolatry,**[H] if he does so **by hand,** he is **liable,** but if he does so **with a utensil,** he is **exempt.** Rabbi Yoḥanan was puzzled by this *baraita*: **But isn't the reverse written** with regard to the priests of Baal: **"And they lacerated themselves in accordance with their custom, with swords and lances"** (1 Kings 18:28), indicating that customarily laceration is with a utensil? Rabbi Yoḥanan instructed the *tanna*: **Rather,** emend the *baraita* and **say:** Concerning one who cuts an incision for idolatry, if he does so **by hand,** he is **exempt;** but if he does so **with a utensil,** he is **liable.**

HALAKHA

Over a dead person…for idolatry – עַל מֵת…עַל עֲבוֹדָה זָרָה: One who cuts an incision in his flesh over the dead is liable to receive lashes, whether he does so by hand or with a utensil. One who cuts an incision for the sake of idolatry is liable only if he does so by means of a utensil, in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:13; *Shulḥan Arukh*, *Yoreh De'a* 180:5).

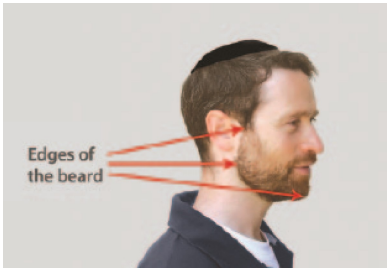
BACKGROUND

Parts of the head – פְּרָקֵי רֵישָׁא: Most commentaries explain that these are the places where the cheekbones connect to the skull, approximately at the line between the eyes and the upper part of the ears. When the hair on the edge of the head is cut above that line, the result is hair in a straight line from the forehead to the nape, as depicted in the image.



Parts of the head

Parts of the beard – פְּרָקֵי דִּיקְנָא: In the opinion of most commentaries, the first edges of the beard are located on the bone that protrudes opposite the middle of the ear, while the second edges are beneath the ear, where the lower jaw bends from the vertical line in the direction of the chin. The fifth edge is the chin itself, which is a straight line. The hair that grows in any of the areas between the edges is the beard.



Delineation of the beard

״וְחַיָּיב עַל הָרֹאשׁ״. מַתְנִי׳ רַב שֵׁשֶׁת בֵּין פִּירְקֵי רֵישָׁא. ״וְעַל הַזָּקָן שְׁתַּיִם מִכָּאן וּשְׁתַּיִם מִכָּאן וְאַחַת מִלְּמַטָּה״. מַתְנִי׳ רַב שֵׁשֶׁת בֵּין פִּירְקֵי דִּיקְנָא.

§ The mishna teaches: **And for** rounding the edges of his **head,** one is **liable** to receive two sets of lashes, one from here, the hair adjacent to one ear, and one from there, the hair adjacent to the other ear. The Gemara relates that when he taught this mishna, **Rav Sheshet** would **gesture** toward his temple, which is the point **between the** two **parts of the head,**[B] the front and back. Similarly, with regard to the *halakha* in the mishna: **For** marring the edges of his **beard** there are **two** edges **from here, and two from there, and one from below, Rav Sheshet** would **gesture** toward the point **between the parts of the beard.**[B]

״רַבִּי אֱלִיעֶזֶר אוֹמֵר: אִם נְטָלָן״ וכו׳. קָסָבַר: חַד לָאו הוּא.

§ The mishna teaches that **Rabbi Eliezer says: If he removed** the hair on all the edges of his beard in one action, he is liable to receive only one set of lashes. The Gemara clarifies: **He maintains** that the prohibition of marring the edges of the beard **is a single prohibition,** and therefore, one is not liable for marring each edge.

״וְאֵינוֹ חַיָּיב עַד שֶׁיְּטַלֶּנּוּ בְּתַעַר״. תָּנוּ רַבָּנַן: ״וּפְאַת זְקָנָם לֹא יְגַלֵּחוּ״, יָכוֹל אֲפִילּוּ גִּלְּחוּ בְּמִסְפָּרַיִם יְהֵא חַיָּיב? תַּלְמוּד לוֹמַר ״לֹא תַשְׁחִית״; אִי ״לֹא תַשְׁחִית״, יָכוֹל אִם לִקְטוֹ בְּמַלְקָט וּרְהִיטְנִי יְהֵא חַיָּיב? תַּלְמוּד לוֹמַר ״לֹא יְגַלֵּחוּ״.

The mishna teaches: **And one is liable** for marring the edges of his beard **only if he removes** the hair **with a razor. The Sages taught** a halakhic midrash: The verse states: "**And the edge of their beard they may not shave**" (Leviticus 21:5). One **might** have thought that for any manner of shaving, **even if he shaved** the beard **with scissors, he would be liable;** therefore, **the verse states:** "**You may not mar** the edge of your beard" (Leviticus 19:27), indicating that one is liable only for shaving that destroys the hair from the root, which is not the case with scissors. **If** the verse had stated only: "**You may not mar,**" one **might** have thought that even **if he removed** the hair **with tweezers or with a plane** he **would be liable** to receive lashes, as they destroy the hair from its roots; therefore, **the verse states:** "**They may not shave,**" indicating that only hair removal by means of shaving is prohibited, and that is not accomplished with a tweezers and a plane.

הָא כֵּיצַד – גִּילּוּחַ שֶׁיֵּשׁ בּוֹ הַשְׁחָתָה, הֲוֵי אוֹמֵר זֶה תַּעַר.

How so? Based on these two verses, for what form of hair removal is one liable? One is liable only for **shaving that involves marring.**[N] **You must say** that **this** is shaving with **a razor.**

״רַבִּי אֱלִיעֶזֶר אוֹמֵר אֲפִילּוּ לִקְטוֹ בְּמַלְקָט וּרְהִיטְנִי יְהֵא חַיָּיב״. מַה נַּפְשָׁךְ, אִי גָּמִיר גְּזֵירָה שָׁוָה – לִיבָּעֵי תַּעַר, אִי לָא גָּמִיר גְּזֵירָה שָׁוָה – מִסְפָּרַיִם נַמִי [לָא]!

The mishna teaches that **Rabbi Eliezer says: Even** if **he removed** the hair **with tweezers or with a plane, he would be liable** to receive lashes. The Gemara objects: **Whichever way you** look at it, it is difficult. **If he derives** the *halakha* by means of **a verbal analogy** that he received from his teachers between the *halakhot* of shaving written with regard to priests (Leviticus 21:5) and the *halakhot* of marring written with regard to non-priests (Leviticus 19:27), **let** Rabbi Eliezer **require** shaving with **a razor** in order to render him liable, as did the Rabbis. **If he does not derive** the *halakha* by means of **a verbal analogy,** he should **also not** exempt one who removes the hair with **scissors,** as that should be included in the category of shaving.

לְעוֹלָם גָּמִיר גְּזֵירָה שָׁוָה, וְקָסָבַר: הָנֵי נַמִי גִּילּוּחַ עָבְדִי.

The Gemara answers: **Actually, he derives** the *halakha* by means of **a verbal analogy, and he holds** that **these too,** the tweezers and the plane, **accomplish shaving.**[N] His dispute with the Rabbis does not relate to the derivation of the *halakha*; rather it is a dispute with regard to the definition of shaving.

NOTES

Shaving that involves marring – גִּילּוּחַ שֶׁיֵּשׁ בּוֹ הַשְׁחָתָה: In other words, the liability is contingent upon shaving in the manner in which people typically shave, and it involves marring, meaning that he shaves the hair to its roots. Consequently, although one who shaves with scissors has shaved, this does not involve marring, as the lower blade of the scissors prevents the hair from being cut to its roots. Therefore, some say that one must make certain not to move the lower blade when cutting with scissors, as that would be tantamount to shaving with a razor. In contrast, although tweezers completely uproot the hair and planes also destroy the hair like razors, it is not the typical manner of shaving (Rivan).

These too accomplish shaving – הָנֵי נַמִי גִּילּוּחַ עָבְדִי: The Rivan explains: Rabbi Eliezer holds that shaving with tweezers or with a plane is considered a typical manner of shaving, and therefore one is liable.

מתני׳ הַכּוֹתֵב כְּתוֹבֶת קַעֲקַע. כָּתַב וְלֹא קִעְקֵעַ, קִעְקֵעַ וְלֹא כָּתַב – אֵינוֹ חַיָּיב, עַד שֶׁיִּכְתּוֹב וְיקַעְקֵעַ (בְּיָדוֹ) [בְּדִיו] וּבְכָחוֹל וּבְכָל דָּבָר שֶׁהוּא רוֹשֵׁם. רַבִּי שִׁמְעוֹן בֶּן יְהוּדָה מִשּׁוּם רַבִּי שִׁמְעוֹן אוֹמֵר: אֵינוֹ חַיָּיב עַד שֶׁיִּכְתּוֹב שָׁם אֶת הַשֵּׁם, שֶׁנֶּאֱמַר "וּכְתֹבֶת קַעֲקַע לֹא תִתְּנוּ בָּכֶם אֲנִי ה'".

MISHNA

One who imprints a tattoo, by inserting a dye into recesses carved in the skin, is also liable to receive lashes. If **one imprinted** on the skin with a dye **but did not carve** the skin,[H] or if **one carved** the skin **but did not imprint** the tattoo by adding a dye, **he is not liable;** he is not liable **until he imprints and carves** the skin, **with ink, or with kohl** [*keḥol*],[L] **or with any substance that marks. Rabbi Shimon ben Yehuda says in the name of Rabbi Shimon: He is liable only if he writes the name there, as it is stated: "And a tattoo inscription you shall not place upon you, I am the Lord"** (Leviticus 19:28).

גמ׳ אֲמַר לֵיהּ רַב אַחָא בְּרֵיהּ דְּרָבָא לְרַב אַשִׁי: עַד דְּיִכְתּוֹב "אֲנִי ה'" מַמָּשׁ? אֲמַר לֵיהּ: לָא, כִּדְתָנֵי בַּר קַפָּרָא: אֵינוֹ חַיָּיב עַד שֶׁיִּכְתּוֹב שֵׁם עֲבוֹדָה זָרָה, שֶׁנֶּאֱמַר "וּכְתֹבֶת קַעֲקַע לֹא תִתְּנוּ בָּכֶם אֲנִי ה'" – אֲנִי ה' וְלֹא אַחֵר.

GEMARA

Rav Aḥa, son of Rava, said to Rav Ashi: Is Rabbi Shimon saying that one is liable only **if he actually inscribes** the words **"I am the Lord"** in his skin? Rav Ashi **said to him: No,** he is saying **as bar Kappara teaches: One is liable only if he inscribes a name of** an object of **idol worship, as it is stated: "And a tattoo inscription you shall not place upon you, I am the Lord,"** which means: Do not place an idolatrous name on your skin, as **I am the Lord, and no one else.**

אָמַר רַב מַלְכִּיָּא אָמַר רַב אַדָּא בַּר אַהֲבָה: אָסוּר לוֹ לְאָדָם שֶׁיִּתֵּן אֵפֶר מִקְלֶה עַל גַּבֵּי מַכָּתוֹ, מִפְּנֵי שֶׁנִּרְאֵית כִּכְתוֹבֶת קַעֲקַע. אָמַר רַב נַחְמָן בְּרֵיהּ דְּרַב אִיקָא: שַׁפּוּד, שִׁפְחוֹת וְגוּמּוֹת – מַלְכִּיּוּ; בְּלוֹרִית, אֵפֶר מִקְלֶה וּגְבִינָה – רַב מַלְכִּיָּא.

Rav Malkiyya says that **Rav Adda bar Ahava says: It is prohibited for a person to place burnt ashes on his wound** to promote healing, **because it looks like a tattoo.** Since few statements were attributed to Rav Malkiyya, and there was another Sage named Rav Malkiyyu who also cited statements in the name of Rav Adda bar Ahava, the Gemara provides a mnemonic for these *halakhot*. **Rav Naḥman, son of Rav Ika, says:** The *halakhot* of **skewer, maidservants, and follicles**[N] were stated by **Rav Malkiyyu.** The *halakhot* of **forelock, burnt ashes, and cheese** were stated by **Rav Malkiyya.**

רַב פָּפָּא אָמַר: מַתְנִיתִין וּמַתְנִיתָא – רַב מַלְכִּיָּא, שְׁמַעְתָּתָא – רַב מַלְכִּיּוּ; וְסִימָנֵיךְ: מַתְנִיתָא מַלְכְּתָא. מַאי בֵּינַיְיהוּ? אִיכָּא בֵּינַיְיהוּ שִׁפְחוֹת.

Rav Pappa says: The distinction is a different one. Those statements that relate to **a mishna or a *baraita*** were stated by **Rav Malkiyya.** Independent ***halakhot*** were taught by **Rav Malkiyyu. And your mnemonic,** to remember that distinction, is: **The Mishna is queen** [***malketa***], indicating the connection between Rav Malkiyya and the Mishna. The Gemara asks: **What is** the practical difference **between** the criteria of Rav Naḥman and Rav Pappa in this regard? The Gemara answers: The practical difference **between them** is with regard to the *halakha* of **maidservants,** which appears in a mishna. According to Rav Pappa, this *halakha* was stated by Rav Malkiyya, not Rav Malkiyyu.

רַב בֵּיבִי בַּר אַבָּיֵי קָפֵיד אֲפִילּוּ אַרִיבְדָּא דְּכוּסִילְתָּא. רַב אַשִׁי אָמַר: כָּל מָקוֹם שֶׁיֵּשׁ שָׁם מַכָּה – מַכָּתוֹ מוֹכִיחַ עָלָיו.

The Gemara addresses the matter of placing burnt ashes on a wound. The Gemara relates: **Rav Beivai bar Abaye was fastidious** and did not place ashes **even on the wound of bloodletting** [***arivda dekhusilta***],[L] as that too appears like a tattoo. **Rav Ashi says: Any place where there is a wound, his wound proves about itself**[H] that the person's intent when he covers it with ashes is to promote healing, and it is not a tattoo.

HALAKHA

If one imprinted on the skin with a dye but did not carve the skin, etc. – כָּתַב וְלֹא קִעְקֵעַ וכו׳: One who tattoos his flesh is liable to receive lashes. A tattoo involves carving the skin and filling it with pigmentation. One is liable if he reverses the order and places the color and then carves the skin (*Shakh*, citing *Baḥ*). If one carved the skin but did not fill it with pigmentation, or imprinted the skin without carving it, he is exempt. This prohibition applies to both men and women, and with regard to a tattoo on any part of the body (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:11; *Shulḥan Arukh*, *Yoreh De'a* 180:1).

His wound proves about itself – מַכָּתוֹ מוֹכִיחַ עָלָיו: It is permitted to place ashes and all similar substances on a wound for the purpose of healing, as his wound proves about itself that the person's intent is to promote healing and that it is not a tattoo, in accordance with the opinion of Rav Ashi (*Shulḥan Arukh*, *Yoreh De'a* 180:3).

LANGUAGE

Kohl [*keḥol*] – כְּחוֹל: This paint is a black-blue dye extracted in ancient times from the mineral stibnite (Sb_2S_3). The stibnite crystals would typically be ground and used by women to paint around their eyes, enhancing them and making them appear larger.

Stibnite

Wound of bloodletting [*rivda dekhusilta*] – רִיבְדָּא דְּכוּסִילְתָּא: The word *rivda* resembles the Arabic word for stabbing. *Kusilta* is the Aramaic word for bloodletting.

NOTES

Skewer, maidservants, and follicles – שַׁפּוּד שִׁפְחוֹת וְגוּמּוֹת: The term: Skewer, is referring to a *halakha* on Festivals, that one may not move a skewer on which meat was roasted; rather, he must allow it to fall in its place (*Beitza* 28b). The term: Maidservants, is referring to the *halakhot* of a marriage contract. The ruling is in accordance with the opinion in the mishna (*Ketubot* 59b) that even if a wife brought into the marriage a large dowry including one hundred maidservants, she may not remain idle. She is required to perform at least some minimal labor. The term: Follicles, is referring to two pubic hairs, signs of puberty that render a girl a young woman, and that even two follicles without hairs suffice (*Nidda* 52a). All these *halakhot* were stated by Rav Malkiyyu, citing Rav Ada.

The term: Forelock, is referring to the *halakhot* of idol worship, as idolaters would grow forelocks in deference to their idol. It is taught in a *baraita* that a Jew who cuts the hair of a gentile must distance his hand from the forelock. The Gemara states that the barber must avoid cutting hair within three fingerbreadths of the forelock (*Avoda Zara* 29a). The term: Burnt ashes, is referring to discussion in the Gemara here with regard to tattoos that does not address a *halakha* in the mishna but stands as an independent *halakha*. The term: Cheese, is referring to a *halakha* proscribing the consumption of cheese produced by gentiles (*Avoda Zara* 29b), as they smooth it with forbidden fat (*Avoda Zara* 35b).

MISHNA

A nazirite[B] who was drinking[H] wine all day is liable to receive **only one** set of lashes. If onlookers **said to him: Do not drink, do not drink,** forewarning him several times, **and he drinks** after each forewarning, he is **liable** to receive lashes **for each and every** drink. If the nazirite **was rendering himself impure** through exposure **to corpses[H] all day, he is liable** to receive **only one** set of lashes. If **they said to him: Do not render yourself impure,[N] do not render yourself impure, and he renders himself impure** after each forewarning, he is **liable for each and every** incident. If the nazirite **was shaving** his hair **all day,[H] he is liable** to receive **only one** set of lashes. If **they said to him: Do not shave, do not shave, and** after each forewarning **he shaves,** he is **liable for each and every** time he shaves.

מתני׳ נָזִיר שֶׁהָיָה שׁוֹתֶה יַיִן כָּל הַיּוֹם – אֵין חַיָּיב אֶלָּא אַחַת; אָמְרוּ לוֹ ״אַל תִּשְׁתֶּה״, ״אַל תִּשְׁתֶּה״, וְהוּא שׁוֹתֶה – חַיָּיב עַל כָּל אַחַת וְאַחַת. הָיָה מִטַּמֵּא לַמֵּתִים כָּל הַיּוֹם – אֵינוֹ חַיָּיב אֶלָּא אַחַת; אָמְרוּ לוֹ ״אַל תִּטַּמֵּא״, ״אַל תִּטַּמֵּא״, וְהוּא מִטַּמֵּא – חַיָּיב עַל כָּל אַחַת וְאַחַת. הָיָה מְגַלֵּחַ כָּל הַיּוֹם – אֵינוֹ חַיָּיב אֶלָּא אַחַת; אָמְרוּ לוֹ ״אַל תְּגַלַּח״, ״אַל תְּגַלַּח״, וְהוּא מְגַלֵּחַ – חַיָּיב עַל כָּל אַחַת וְאַחַת.

If a person **was wearing** a garment consisting of **diverse kinds**[B] of wool and linen **all day, he is liable** to receive **only one** set of lashes. If **they said to him: Do not wear** it, **do not wear** it, **and he removes** it **and dons** it after each forewarning, he is **liable for each and every** time that he dons the garment.

הָיָה לָבוּשׁ בִּכְלְאַיִם כָּל הַיּוֹם – אֵינוֹ חַיָּיב אֶלָּא אַחַת; אָמְרוּ לוֹ ״אַל תִּלְבַּשׁ״, ״אַל תִּלְבַּשׁ״, וְהוּא פּוֹשֵׁט וְלוֹבֵשׁ – חַיָּיב עַל כָּל אַחַת וְאַחַת.

BACKGROUND

Nazirite – נָזִיר: The nazirite vow confers a unique status upon a person, as detailed in the Torah (Numbers 6:1–21) and in tractate *Nazir*. A nazirite must refrain from eating or drinking any product of the vine. He must avoid becoming ritually impure with impurity imparted by a corpse and must refrain from cutting his hair. A nazirite who violates any of these prohibitions is liable to receive lashes. While one may vow to be a nazirite for any period of time that he chooses, the minimum term of naziriteship is thirty days. One who does not specify the duration of his naziriteship becomes a nazirite for thirty days.

Diverse kinds – כִּלְאַיִם: This term refers to different types of forbidden mixtures: Mixtures of wool and linen in a garment, crossbreeding of livestock, sowing food crops in a vineyard, and sowing diverse kinds of seeds. The mishna is discussing the prohibition of donning a mixture of wool and linen (Deuteronomy 22:11).

HALAKHA

A nazirite who was drinking, etc. – נָזִיר שֶׁהָיָה שׁוֹתֶה וכו׳: In the case of a nazirite who was drinking wine all day, even if he drank several quarter-*log*, if he was forewarned only once, he is liable to receive only one set of lashes. If he received a forewarning for each quarter-*log*, he is liable to receive lashes for each quarter-*log* that he drank (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:10).

If he was rendering himself impure through exposure to corpses – הָיָה מִטַּמֵּא לַמֵּתִים: A nazirite or a priest who renders himself impure several times through exposure to corpses is liable to receive lashes for each forewarning that he receives, although he is liable for committing a transgression vis-à-vis Heaven even without forewarning. This is the ruling if he renders himself impure, severs contact with the corpse, and then reestablishes contact with the corpse. If he comes into contact with a second corpse while still in contact with the first he is liable to receive only one set of lashes, even if he is forewarned before coming into contact with the second corpse. The Ra'avad maintains that even if he is no longer in contact with a corpse, as long as he remains impure with impurity imparted by a corpse, he is not liable to receive lashes for coming in contact with a corpse. In that case he is flogged only if he enters a tent over a corpse. In that case he would receive two sets of lashes, even if he comes into contact with one corpse and enters a tent over another corpse simultaneously. That ruling is based on his understanding of the Gemara's conclusion on *Nazir* 42b (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:15–16 and *Sefer Shofetim*, *Hilkhot Evel* 3:4).

If he was shaving all day – הָיָה מְגַלֵּחַ כָּל הַיּוֹם: A nazirite who shaved his entire head is flogged with only one set of lashes. If he was forewarned before shaving each and every hair, he is liable to receive lashes for each and every hair (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:13).

NOTES

Do not render yourself impure, etc. – אַל תִּטַּמֵּא וכו׳: As explained in tractate *Nazir* (42b), this applies only to one who severed contact with the corpse and then again reestablished contact with it. It does not apply to a case where one came into contact with an additional corpse while he was still in contact with the first one, as impurity through contact with two corpses is no greater than impurity through contact with one.

יֵשׁ חוֹרֵשׁ תֶּלֶם אֶחָד וְחַיָּיב עָלָיו מִשּׁוּם שְׁמוֹנָה לָאוִין: הַחוֹרֵשׁ בְּשׁוֹר וַחֲמוֹר, וְהֵן מוּקְדָּשִׁין, וְכִלְאַיִם בְּכֶרֶם, וּבַשְּׁבִיעִית, וְיוֹם טוֹב, וְכֹהֵן וְנָזִיר בְּבֵית הַטּוּמְאָה.

Apropos the case where one receives several sets of lashes for performing a single action, the mishna continues: **There is** one who **plows a single furrow and is liable** to receive lashes **for** violating **eight prohibitions.** How so? For **plowing with an ox and a donkey,** in violation of the prohibition: "You shall not plow with an ox and a donkey together" (Deuteronomy 22:10); **and they are consecrated,**[N] and therefore he is guilty of misuse of consecrated property; **and** he is plowing **diverse kinds in a vineyard;**[N] **and** it is **during the Sabbatical** Year, when it is prohibited to work the land; **and** it is on **a Festival,** when plowing is a prohibited labor; **and** he is both **a priest and a nazirite** and is performing the plowing **in a place of impurity** imparted by a corpse, which is prohibited for both a priest (see Leviticus 21:1) and a nazirite (see Numbers 6:6).

חֲנַנְיָא בֶּן חֲכִינַאי אוֹמֵר: אַף הַלּוֹבֵשׁ כִּלְאַיִם. אָמְרוּ לוֹ: אֵינוֹ דֹּמֶה. אָמַר לָהֶם: אַף הַנָּזִיר לֹא הוּא דֹּמֶה.

Ḥananya ben Ḥakhinai says: If he **was wearing** a garment consisting of **diverse kinds** of wool and linen while plowing he is **also** flogged for violating that prohibition. The Sages **said to him:** That is **not** a prohibition in **the** same **category** as the others, as it is not connected to the act of plowing. Ḥananya ben Ḥakhinai **said to them:** According to that criterion, the fact that he is **a nazirite is also**[N] **not** in **the** same **category,** as a nazirite and a priest are not flogged for plowing; rather, they are flogged for contracting impurity imparted by a corpse.

גמ׳ אָמַר רַב בֵּיבָי אָמַר רַבִּי יוֹסֵי: פּוֹשֵׁט וְלוֹבֵשׁ לוֹבֵשׁ מַמָּשׁ, אוֹ אֲפִילּוּ מַכְנִיס וּמוֹצִיא בְּיַת יַד אוּנְקְלִי שֶׁלּוֹ? מַחֲוֵי רַב אַחָא בְּרֵיהּ דְּרַב אִיקָא: עַיּוּלֵי וְאַפּוּקֵי. רַב אַשִׁי אוֹמֵר: אֲפִילּוּ לֹא שָׁהָה אֶלָּא כְּדֵי לִפְשׁוֹט וְלִלְבּוֹשׁ – חַיָּיב.

GEMARA **Rav Beivai says** that **Rabbi Yosei says** that when the mishna teaches with regard to wearing a garment of diverse kinds of wool and linen: And **he removes** it **and dons** it after each forewarning, does it mean that one is liable for each forewarning only if he **actually** removes and **dons** it, **or** perhaps one is liable **even** if **he inserts and removes** his arm[H] from **the sleeve of his garment** [*unkali*];[L] perhaps this is also considered removing and donning the garment? The Gemara relates: **Rav Aḥa, son of Rav Ika, gestured:** One is liable only for actually **inserting** his body in the garment entirely **and** then **removing** it. **Rav Ashi says:** The reference in the mishna is not to actually removing and donning the garment; rather, **even if he only waited** an interval **equivalent** to the period required **to remove and to don** the garment, he is **liable** to receive lashes for each and every forewarning.

HALAKHA

Even if he inserts and removes his arm – אֲפִילּוּ מַכְנִיס וּמוֹצִיא: One who was wearing a garment of diverse kinds of wool and linen all day is liable to receive only one set of lashes. If he took his head out of the garment and replaced it, and did so repeatedly, he is liable to receive lashes for each time that he did so, even though he did not remove the garment completely (Mahari Kurkus). If he received only one forewarning he is liable to receive only one set of lashes for the entire day; but if he was forewarned and continued wearing the garment long enough for him to remove it and don it, he is liable for each and every period that followed a forewarning, even if he did not actually remove the garment, in accordance with the opinion of Rav Ashi (Rambam *Sefer Zera'im*, *Hilkhot Kilayim* 10:30).

LANGUAGE

Garment [*unkali*] – אוּנְקְלִי: Apparently from the Greek ἀνάκωλος, *anakolos*, which means short or truncated. Specifically, it is referring to a short undergarment that reaches the knees.

NOTES

And they are consecrated – וְהֵן מוּקְדָּשִׁין: In the case of an ox, the source for the prohibition is the verse: "You shall not perform labor with the firstborn of your ox" (Deuteronomy 19:20), from which the Sages derived that labor with other animals consecrated to be sacrificed on the altar is also prohibited. With regard to a donkey, Rashi in tractate *Pesaḥim* (47a) and Rambam's Commentary on the Mishna explain that the reference is to a donkey consecrated for the Temple maintenance. The person plowing is guilty of intentionally misusing consecrated property, the *halakha* of which is derived by means of a verbal analogy from standard misuse of consecrated property, which is done unwittingly. The Rivan explains that the reference is to a firstborn donkey, in accordance with the opinion of Rabbi Yehuda, who holds that it is consecrated and may not be employed for the performance of labor. The Rivan states that alternatively, the mishna can be explained as referring to the firstborn of a kosher animal, e.g., a lamb. Although the mishna says: With an ox and a donkey, and not: With an ox and a lamb, this can be explained because the former is a common expression, based on a verse, even though the same prohibition applies to one who plows with any two species. *Tosafot* explain that the mishna is not referring to a consecrated donkey; rather, the donkey is non-sacred, and there is no prohibition with regard to the donkey itself.

Diverse kinds in a vineyard – כִּלְאַיִם בְּכֶרֶם: *Tosafot* explain that the fact that the mishna states: Diverse kinds in a vineyard, rather than the more general diverse kinds of seeds, indicates that this is referring to one who had sowed wheat, barley, and grapes together, and he is therefore liable for both diverse kinds of seeds and for diverse kinds in a vineyard. This is in accordance with the opinion of *Tosafot* that there are only two prohibitions with regard to the ox and the donkey.

According to Rashi and the Rivan, the eight prohibitions are: (1) Plowing with the diverse kinds of an ox and a donkey; (2) performing labor with a firstborn ox; (3) performing labor with a firstborn donkey or lamb; (4) diverse kinds in a vineyard; (5) plowing during the Sabbatical Year; (6) plowing on a Festival; (7) a priest in a cemetery; (8) a nazirite in a cemetery. *Tosafot* attribute two prohibitions to sowing diverse kinds in a vineyard, and they omit the prohibition of labor with a firstborn donkey.

A nazirite is also, etc. – אַף הַנָּזִיר וכו׳: This actually means: The fact that he is a nazirite and a priest is also not in the same category, but Ḥananya ben Ḥakhinai did not consider it necessary to elaborate (Rivan).

״יֵשׁ חוֹרֵשׁ תֶּלֶם״ וכו׳. אָמַר רַבִּי יַנַּאי: בַּחֲבוּרָה נִמְנוּ וְגָמְרוּ: הַחוֹפֶה בְּכִלְאַיִם – לוֹקֶה. אָמַר לָהֶן רַבִּי יוֹחָנָן: לָאו מִשְׁנָתֵנוּ הִיא זוֹ: יֵשׁ חוֹרֵשׁ תֶּלֶם אֶחָד וְחַיָּיב עָלָיו מִשּׁוּם שְׁמוֹנָה לָאוִין: הַחוֹרֵשׁ בְּשׁוֹר וּבַחֲמוֹר, וְהֵן מוּקְדָּשִׁין, וְכִלְאַיִם בְּכֶרֶם; הַאי חוֹרֵשׁ דְּמִחַיַּיב מִשּׁוּם כִּלְאַיִם הֵיכִי מַשְׁכַּחְתְּ לָהּ, לָאו דְּמִיכַּסֵּי בַּהֲדֵיהּ דְּאָוֵיל?

§ The mishna teaches: **There is** one who **plows** a single **furrow** and is liable to receive lashes for violating eight prohibitions. **Rabbi Yannai says** that when the Sages sat **in a group,** their opinions **were counted and they concluded: One who covers** seeds of **diverse kinds** with dirt[H] **is flogged** for sowing diverse kinds. **Rabbi Yoḥanan said to them: Isn't this** the *halakha* in **our mishna: There is** one who **plows a single furrow and is liable** to receive lashes **for** violating eight prohibitions, including: For **plowing with an ox and a donkey, and they are consecrated, and** he is plowing **diverse kinds in a vineyard.** With regard to **this** person who **plows who is liable** to receive lashes **due to** violating the prohibition of **diverse kinds, how can you find these** circumstances? Plowing a field is unrelated to sowing diverse kinds. Is it **not** a case **where one covers** the seeds with dirt **in the course of** his plowing **as he proceeds,** indicating that one who covers the seeds of diverse kinds is flogged?

אָמַר לֵיהּ: אִי לָאו דְּדַלַּאי לָךְ חַסְפָּא – מִי מַשְׁכַּחְתְּ מַרְגָּנִיתָא תּוֹתֵהּ? אֶמַר לֵיהּ רֵישׁ לָקִישׁ לְרַבִּי יוֹחָנָן: אִי לָאו דְּקִילְסָךְ גַּבְרָא רַבָּה, הַוָה אָמֵינָא: מַתְנִיתִין מַנִּי – רַבִּי עֲקִיבָא הִיא, דְּאָמַר: הַמְקַיֵּים כִּלְאַיִם – לוֹקֶה.

Rabbi Yannai **said to him:** You are correct; but **if I had not lifted the earthenware** shard **for you, would you have found the gem**[B] **beneath it?** It was only after I told you the *halakha* that you succeeded in finding a source in the mishna. Later, **Reish Lakish said to Rabbi Yoḥanan: If** it was **not** for the fact **that a great man,** Rabbi Yannai, **praised your** statement, **I would say** that there is no proof from the mishna, as it is possible to say: **Whose** opinion is expressed in **the mishna? It is** that of **Rabbi Akiva, who says: One who maintains**[H] diverse kinds by performing actions essential for their existence **is flogged.** Therefore, one who plows and covers seeds of diverse kinds is liable to receive lashes, as he facilitates the existence of the diverse kinds, not because in covering the seeds it is as though he sowed them.

מַאי רַבִּי עֲקִיבָא – דְּתַנְיָא: הַמְנַכֵּשׁ וְהַמְחַפֶּה בְּכִלְאַיִם – לוֹקֶה, רַבִּי עֲקִיבָא אוֹמֵר: אַף הַמְקַיֵּים.

The Gemara asks: **What** is the aforementioned statement of **Rabbi Akiva?** It is **as it is taught** in a *baraita*: **One who weeds and one who covers** the seeds of **diverse kinds** with dirt **is flogged,** as he performed an action that promotes the growth of the diverse kinds, which is tantamount to sowing. **Rabbi Akiva says: Even one who maintains** diverse kinds violates the prohibition.

מַאי טַעְמָא דְּרַבִּי עֲקִיבָא? דְּתַנְיָא: ״שָׂדְךָ לֹא תִזְרַע כִּלְאָיִם״ – אֵין לִי אֶלָּא זוֹרֵעַ, מְקַיֵּים מִנַּיִן – תַּלְמוּד לוֹמַר ״בְּהֶמְתְּךָ לֹא תַרְבִּיעַ כִּלְאַיִם שָׂדְךָ לֹא תִזְרַע כִּלְאָיִם״.

The Gemara asks: **What is the reason** for the opinion **of Rabbi Akiva? As it is taught** in a *baraita* that it is written: **"Your field you shall not sow with diverse kinds"** (Leviticus 19:19), **I have** derived **only** that **sowing** diverse kinds is prohibited. **From where** do I derive that **maintaining** diverse kinds, which does not involve any positive action, is also prohibited? It is as **the verse states: "Your animals you shall not breed with different species** [*kilayim*]**; your field you shall not sow with diverse kinds** [*kilayim*]**"** (Leviticus 19:19), which is interpreted as though it is written: Diverse kinds [*kilayim*] in your field you shall not sow, indicating that one may not allow diverse kinds to remain in his field.

אָמַר לֵיהּ עוּלָּא לְרַב נַחְמָן: וְלִילְקֵי נַמִּי מִשּׁוּם זוֹרֵעַ בְּיוֹם טוֹב! אֲמַר לֵיהּ: תָּנָא וְשַׁיֵּיר.

Ulla said to Rav Naḥman: And let him be flogged also for violating the prohibition of **sowing on a Festival.**[N] Rav Naḥman **said to him:** Indeed, lashes for that prohibition could have been included in the mishna. The *tanna* **taught** certain prohibitions **and omitted** other prohibitions.

אָמַר לֵיהּ: תַּנָּא קָתָנֵי שְׁמוֹנָה, וְאַתְּ אָמְרַתְּ תָּנָא וְשַׁיֵּיר?! אָמַר רָבָא: יֵשׁ חִילּוּק מְלָאכוֹת בְּשַׁבָּת, וְאֵין חִילּוּק מְלָאכוֹת בְּיוֹם טוֹב. אֲמַר לֵיהּ: עֲדָא תְּהֵא.

Ulla **said to him: The *tanna* taught** and specifically enumerated **eight** sets of lashes, **and you say** that **he taught** some **and omitted** some? **Rava says:** The reason that sowing on a Festival was omitted is that **there is a division of labors on Shabbat, but there is no division of labors on a Festival.**[H] On Shabbat, one who unwittingly performs several prohibited labors during one lapse of awareness is liable to bring one sin-offering for each labor that he performed. On a Festival, if one performs several prohibited labors, he is liable to receive only one set of lashes, as there is one prohibition against performing labor on a Festival. Since the mishna listed plowing on the Festival, it does not also list sowing on the Festival. Ulla **said to him: That** [*ada*][L] **is so.**

HALAKHA

One who covers the seeds of diverse kinds with dirt – הַחוֹפֶה בְּכִלְאַיִם: One who sows diverse kinds of seeds together in Eretz Yisrael is liable to receive lashes. This prohibition applies not only to one who sows the seeds, but also to one who covers the seeds with earth or weeds the area surrounding those seeds; he too is flogged (Rambam *Sefer Zera'im*, *Hilkhot Kilayim* 1:1; *Shulḥan Arukh*, *Yoreh De'a* 296:1).

One who maintains – הַמְקַיֵּים: It is prohibited to maintain diverse kinds of seeds in one's field. One must uproot them. But if he maintained them, he is not liable to receive lashes, as the *halakha* is in accordance with the opinion of the Rabbis in their dispute with Rabbi Akiva. The Rabbis concede that it is prohibited to maintain the seeds; their disagreement is merely with regard to liability to receive lashes (Rambam *Sefer Zera'im*, *Hilkhot Kilayim* 1:3, and see Mahari Kurkus and *Kesef Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 297:2).

Division of labors on a Festival – חִילּוּק מְלָאכוֹת בְּיוֹם טוֹב: One who performs several primary categories of labor on a Festival after receiving a single forewarning is liable to receive only one set of lashes, as there is no division of labors on a Festival, in accordance with the statement of Rava (Rambam *Sefer Zemanim*, *Hilkhot Yom Tov* 1:3).

BACKGROUND

Earthenware shard [*ḥaspa*] and a gem – חַסְפָּא וּמַרְגָּנִיתָא: This parable of the shard and the gem can be understood simply as referring to a worthless cover and its valuable contents. Some explain that the earthenware shard in this context is a reference to an oyster with a pearl, as the term *ḥaspa* in Aramaic can also mean oyster. If one fails to discern the plain oyster, which resembles an earthenware shard, it is impossible to discover the pearl.

Both sides of an oyster shell, with pearl

NOTES

The prohibition of sowing on a Festival – זוֹרֵעַ בְּיוֹם טוֹב: Once the Gemara established that the case of plowing diverse kinds involves covering seeds, which is a form of sowing, in addition to being liable for plowing on a Festival he is also liable for performing the labor of sowing.

LANGUAGE

That [*ada*] – עֲדָא: Its meaning is similar to the Aramaic *hada*, meaning: That. The variation stems from the confusion between the guttural letters both in Babylonia, influenced by the local language, and in Eretz Yisrael, influenced by the Greek. The term *ada* is commonly employed in the Jerusalem Talmud.

אֵיתִיבֵיהּ אַבָּיֵי: וְאֵין חִילּוּק מְלָאכוֹת בְּיוֹם טוֹב? וְהָתְנַן: הַמְבַשֵּׁל גִּיד בְּחָלָב בְּיוֹם טוֹב וַאֲכָלוֹ – לוֹקֶה חָמֵשׁ; לוֹקֶה מִשּׁוּם אוֹכֵל גִּיד, וְלוֹקֶה מִשּׁוּם מְבַשֵּׁל בְּיוֹם טוֹב שֶׁלֹּא לְצוֹרְכוֹ, וְלוֹקֶה מִשּׁוּם מְבַשֵּׁל גִּיד בְּחָלָב, וְלוֹקֶה מִשּׁוּם אוֹכֵל בָּשָׂר בְּחָלָב, וְלוֹקֶה

Abaye raised an objection to the opinion of Rava: **And is there no division of labors on a Festival? But didn't we learn** in a *baraita*: **One who cooks** a sciatic **nerve in milk on a Festival and eats it is flogged** with **five** sets of lashes. How so? **He is flogged for** violating the prohibition of **eating** a sciatic **nerve** (see Genesis 32:33); **and he is flogged for** violating the prohibition of **cooking on a Festival not for** the **purpose** of the Festival, as he is prohibited from eating it; **and he is flogged for** violating the prohibition of **cooking** a sciatic **nerve,** which is meat, **in milk; and he is flogged for** violating the prohibition of **eating meat** cooked **in milk; and he is flogged**

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מִשּׁוּם הַבְעָרָה; וְאִם אִיתָא – מִשּׁוּם הַבְעָרָה לָא מְחַיַּיב, דְּהָא אִיחַיַּיב לֵיהּ מִשּׁוּם בִּשּׁוּלוֹ! אַפִּיק הַבְעָרָה וְעָיֵיל גִּיד הַנָּשֶׁה שֶׁל נְבֵילָה.

for violating the prohibition of **kindling** a fire on a Festival. **And if it is so,** that there is no division of labors on a Festival, **he is not liable for** violating the prohibition of **kindling** a fire, **as he is** already **liable for** violating the prohibition of **cooking** the sciatic nerve on a Festival. Rava said: **Remove kindling** from the list of five prohibitions for which he is flogged, as he is not liable for violating that prohibition, **and insert** the prohibition of eating the **sciatic nerve of an unslaughtered animal carcass.**

וְהָתָנֵי רַבִּי חִיָּיא: לוֹקֶה שְׁתַּיִם עַל אֲכִילָתוֹ וְשָׁלֹשׁ עַל בִּשּׁוּלוֹ; וְאִי אִיתָא – שָׁלֹשׁ עַל אֲכִילָתוֹ הוּא חַיָּיב! אֶלָּא, אַפִּיק הַבְעָרָה וְעָיֵיל עֲצֵי אֲשֵׁירָה, וְאַזְהָרָתִיהּ מֵהָכָא: ״וְלֹא יִדְבַּק בְּיָדֶךָ״ וגו׳.

The Gemara asks: **But didn't Rabbi Ḥiyya teach** a *baraita* that summarizes the prohibitions listed in this mishna: **One is flogged** with **two** sets of lashes **for his eating and three** sets of lashes **for his cooking? And if it is so,** that the prohibition of kindling a fire is replaced with the prohibition of eating the sciatic nerve of an unslaughtered animal carcass, **he is liable** to receive **three** sets of lashes **for his eating;** for eating a sciatic nerve, for eating meat cooked in milk, and for eating an unslaughtered animal carcass. **Rather,** say: **Remove kindling** from the list of prohibitions, **and insert** the prohibition of using **wood of a tree** worshipped as part of idolatrous rites [***ashera***]**, whose prohibition is** derived **from here: "And** nothing of the dedicated item **shall cleave to your hand"** (Deuteronomy 13:18), indicating that it is forbidden to derive benefit from accouterments of idol worship.

אָמַר לֵיהּ רַב אַחָא בְּרֵיהּ דְּרָבָא לְרַב אָשֵׁי: וְלִילְקֵי נַמִּי מִשּׁוּם ״לֹא תָבִיא תוֹעֵבָה אֶל בֵּיתֶךָ״! אֶלָּא הָכָא בְּמַאי עָסְקִינַן – כְּגוֹן שֶׁבִּישְּׁלוֹ בַּעֲצֵי הֶקְדֵּשׁ, וְאַזְהָרָתִיהּ מֵהָכָא: ״וַאֲשֶׁרֵיהֶם תִּשְׂרְפוּן בָּאֵשׁ...לֹא תַעֲשׂוּן כֵּן לַה׳ אֱלֹהֵיכֶם״.

Rav Aḥa, son of Rava, said to Rav Ashi: If the reference is to the wood of an *ashera,* **let him also be flogged for** violating the prohibition: **"You shall not bring an abomination into your house"** (Deuteronomy 7:26), in addition to the other prohibitions enumerated. **Rather,** say: **What are we dealing with here?** We are dealing with a case **where one cooked** the sciatic nerve **with wood consecrated** for use in the Temple,[H] **whose warning,** the source of its prohibition, is **from here: "And their *asherim* you shall burn in fire…you shall not do so to the Lord your God"** (Deuteronomy 12:3–4), indicating that one who destroys a consecrated item violates a prohibition.

סִימָן שנבא״י שנ״ז.

§ The Gemara provides **a mnemonic: *Shin, nun, beit, alef, yod; shin, nun, zayin;*** representing the *amora'im* who suggest additions to the eight prohibitions violated by the person in the mishna who plows the field with diverse kinds: Hoshaya; Ḥananya; Abbahu; Abaye; Ashi; Ravina; Zeira.

מַתְקִיף לָהּ רַב הוֹשַׁעְיָא: וְלִיחְשׁוֹב נַמִּי הַזּוֹרֵעַ בְּנַחַל אֵיתָן, וְאַזְהָרָתִיהּ מֵהָכָא: ״אֲשֶׁר לֹא יֵעָבֵד בּוֹ וְלֹא יִזָּרֵעַ״!

Rav Hoshaya objects to this: And let the *tanna* **also enumerate** in his list the prohibition of **sowing in a forceful stream,**[H] the land where a heifer's neck is broken by the Elders of the city closest to the corpse of a murder victim whose murderer is unknown, **and its prohibition is from here:** "And the Elders of that city shall bring the heifer down to a forceful stream, **which will be neither plowed nor sown"** (Deuteronomy 21:4). The verse is written in the future tense as a prohibition for the future: It is prohibited to work the land there after the heifer's neck is broken.

HALAKHA

Where one cooked with wood consecrated for the Temple – שְׁבִּישְּׁלוֹ בַּעֲצֵי הֶקְדֵּשׁ: One who burns consecrated wood to destroy it is liable to receive lashes, as it is written: "And their *asherim* you shall burn in fire… you shall not do so to the Lord your God" (Rambam *Sefer HaMadda, Hilkhot Yesodei HaTorah* 6:7).

Sowing in a forceful stream – הַזּוֹרֵעַ בְּנַחַל אֵיתָן: It is prohibited to plow or sow the land next to the stream where the heifer's neck was broken, in accordance with the verse "which will be neither plowed nor sown." Anyone who works the land, e.g., by plowing, digging, sowing, or planting, is liable to receive lashes. It is permitted to comb flax or remove stones from the flax there, as that is tantamount to weaving or sewing a garment, and is not performed on the ground itself (Rambam *Sefer Nezikin, Hilkhot Rotze'aḥ UShmirat HaNefesh* 10:9).