

Halachos of Haircuts and Shaving

(Yoreh De'ah Siman 181)

Shorthand Conclusions From the Limud	2
Reason for the Issur	4
Peios HaRosh (Haircuts)	5
Hakkafas Kol HaRosh	5
Makom Pe'os Harosh:	5
Can one shave the Peios Harosh with a non-razor?	10
How short can you cut peios harosh?	11
How many hairs to be chayav for peios harosh?	12
Women and Ketanim	14
Can one give a haircut to a goy or woman?	16
The Issur Nikkaf	16
Can you allow someone to shave off your beard?	17
Peios Hazaken (Shaving)	18
Where are the peios hazaken?	18
Misparayim Ke'ein Ta'ar	19
What's the definition of תגלחת/גילוח?	20
What is השחתה vs. כעין תער, and are shavers muttar?	20
Acharonim on electric Shavers	23
Lift and Cut makes no difference	25
Tests to see how close a shaver cuts	26
Older Eitzos for shaving face:	26
Appendix on Mesaye'a	26

Shorthand Conclusions From the Limud

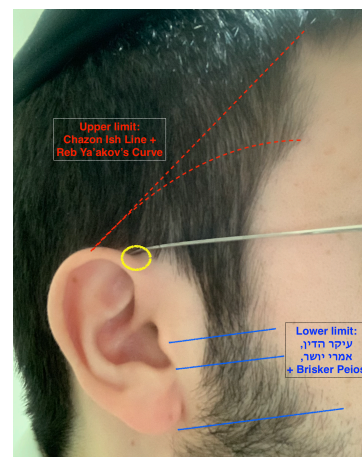
The following is a list of maskanos which come out from the limud of the Halachos be'iyun. For more on each of these points, see the in-detail notes below, which explains and elaborates each of these points.

Introduction

- I. The Issur of cutting peios of both types is because the כּוּמְרֵי ע"ז would do exactly that (**Rambam AZ 12:1-7**)

Peios HaRosh (Haircuts)

- I. It's אסור to shave off the peios even if one will be shaving their entire head bald (**SA 181:2**).
- II. The boundaries of the peios haRosh are debated, but the ikar hadin is that the upper limit is from the top of the ear to either the upper part of one's forehead (**Chazon Ish**) or lower part, in a slightly curved manner (**Reb Ya'akov**). The lower limit according to almost all Rishonim is the zygomatic arch/mandibular fossa, and that's the ikar hadin. It's certainly a worthy chumrah to be מחמיר for the **Shulchan Aruch 181:9**, who paskins Rivan's Lashon, that it's "מקום שהלחי התחתון – למטה מן האוזן – יוצא ומתפרד שם".
 - A. This may either mean down to the cartilage of the ear (**Imrei Yosher**), or literally to the bottom of the ear (**Brisker Peios**). See picture.
- III. It's a machlokes Rishonim whether the peios haRosh can be shaved down in the same manner as the peios hazakan. **SA 3** says the ikar hadin is like the Rambam lehakel, but one should be מחמיר not to do so.
 - A. One therefore shouldn't intentionally pluck out the hairs of their peios. However, one is allowed to comb their peios, and we don't say it's a psik Reisha that you'll uproot those hairs (**PT 3**)
- IV. How long must the peios haRosh be?
 - A. Me'ikar hadin, as long as there's any guard on a shaver, it's going to be מותר (**Teshuvos Vehanhagos 4:198, Beirur Halacha 251:2, The Rav beshem R' Moshe Soloveitchik in Nefesh HaRav p. 234**).
 - B. כדי לכוף ראשו לעיקרו מחמיר Bnei Torah should be מחמיר to use at least a 1.5 guard (4.5mm) on peios haRosh.
- V. Can one shave off some of the width of the sideburns, i.e. to "thin out" the sideburns?
 - A. Although **Rambam** thinks it's מותר as long as 4 (or 40) hairs are left, **other Rishonim** based on a Tosefta in Makkos think you can't shave even two hairs, and the **SA 9** paskins misafek that you can't thin out the sideburns at all.
 1. As such, have to tell barber not to thin out the sideburns, and not to take off the guard around the ears. A good Eitzah is to ask for scissors around the ear.
- VI. Based on **Makkos 20b, SA 4** paskins that it's אסור to ever be ניקק, i.e. to have someone else give you a haircut, and that one would be חייב malkus if they were מסייע in the process. (This either means tilting one's head or being "מזמין שיער," although it's unclear what that means.) As such, it's אסור to have one's peyos cut even by a non-Jew.



Women and Children

- I. Women are excluded from the Issur of all peios – they can cut off their own + פיאות הראש (SA 6 based on **Kiddushin 35b**). Despite this, we're machmir that they can't cut off the peios of a בר חיובא, i.e. of someone else.
- II. It's אסור to cut off a child's הראש, per shitas Rav Huna in **Nazir 57b (SA 5)**
 - A. It's similarly אסור to ask a goy to cut off his peios, due to amirah lenochri (**PT 2**)

- III. Can a woman give a Kattan a haircut? All opinions on **Nazir 57b** imply it's מותר, and **BM 10b** says a woman isn't a bar chiyuva. **Most Rishonim** hold this way. However, **Rambam 12:5 + Ra'avad** think it's an Issur דרבנן based on a story in Nazir 57b where a woman was cursed for doing so.
- A. Lema'aseh, a woman cannot cut off a Kattan's peios, since **SA** quotes the Rambam/Ra'avad as a ים אומרים. This is an Issur דרבנן.
- IV. Can one give a haircut to a woman or goy? Although it's a shailah in Rishonim, in **SA**, all the poskim agree one could give a haircut to a goy: **Rema 5** is meikil to be makif a woman as well, while **Gra** seems to paskin that it's אסור to be makif a woman's peyos.

Peios Hazaken (Shaving)

- I. Where are the peios hazakan? There are 5 points on one's face which are peios, but there are many opinions in Rishonim what they are. The area right under the zygomatic arch is certainly one of them. But other opinions include the sides of the mustache, areas under the ear, areas near the chin, and potentially even the hair on the neck. Because there are so many opinions, **SA 11** says not to use a razor anywhere on one's face. **Rema** adds this is true even below the neck.
- A. **Gra + BY** both strongly reject that there's an issue to shave under the neck. **Rav Willig** was meikil in a sha'as hadchak that one could use a razor there if a shaver wasn't possible for whatever reason.
- II. Is one allowed to trim their beard?
- A. **21a**: It's only אסור to do a השחתה שיש בו גילוח on the הזקן, פאות, which the gemara says is why only a תער/razor is a problem, since scissors aren't השחתה and רהיטני גילוח ד'נ.
- B. **Rambam** though makes it sound like using scissors just gets you out of a חיוב, but it's still אסור. **SA 10 + others** say it's lav davka and really it's completely מותר. One can even do תער כעין תער, מספריים, and that's still not השחתה. This is the mainstream psak.
1. **Chabad** though is מחמיר, based on **Tzemach Tzeddek YD 93** who argues Rambam really meant אסור, as **SHC 251** understood him, and the issue is one of בגד אשה. He argues we should overturn the SA's psak since he didn't see the SHC. **Rav Ovadya in YO YD 9:10** rejects this argument, and **Rav Jachter** notes the BY does quote the **Sefer Hachinuch** sometimes, but just doesn't seem to view his opinion as halachically authoritative.
- III. Can one use an electric shaver? If it's a השחתה שיש בו גילוח, it's אסור. The basic question is whether it's a) תגלחת and b) השחתה:
- A. **Lehoros Nassan 3:60** shows תגלחת is a machlokes Rishonim whether it means that it's a normal way of cutting hair, or that it cuts from the side, rather than plucking. Either way, a shaver is תגלחת.
- B. What does כעין תער mean that **SA** says is מותר?
1. **Nimmukei Yosef, Rivan, Rambam + Ritva** all understand that it's about how close you cut – מספריים are OK so long as they don't cut as close as a תער.
2. There's seeming stiros between **Tosfos + the Peirush HaRosh** in **Nazir**. The only ways to answer those stiros would seem to conclude that an equally cut close is still אסור, as Lehoros Nassan + Shevet Halevi show.
3. **Some (Prisha 3)** think that any scissor-like motion is מותר and isn't hashchasah even if equally close, but there are no Rishonim who clearly hold this way, and it's unclear what the sevara to say this is.
- C. Fascinatingly, what comes out is that although many Rishonim would certainly be osser, and there's no ra'ayah in rishonim lehakel, many Acharonim – including **Chochmas Adam, Kitzur SA, + Beiur Halacha** – seem pretty clear they think this would be מותר, and that it's not השחתה so long as one uses a scissor-like motion.

- D. Practically, how do contemporary acharonim fall out?
1. **Rav Moshe** (מפי השמועה), **Rav Belsky**, **Rav Soloveitchik**, **Har Tzvi**, **Divrei Yatziv**, + **Rav Kook** were matir
 2. **Chazon Ish**, **Steipler**, **Shevet Halevi**, **Lehoros Nassan**, **Rav Elyashiv**, + **Minchas Yitzchak** are osser
 3. **Others** (like **RSZA**, **Reb Yaakov** + **Teshuvos Vehanhagos**) are unsure.
- IV. Assuming it's מותר to use an electric shaver, Lift-and-Cut shavers aren't any worse. Videos from Tzomet, the makers themselves + others all show that they cut in the same way.
- V. Some older Eitzos to enable a close shave:
- A. One can use a סם/depilatory cream since it's not considered a תגלחת.
 - B. **Chasam Sofer OC 154** says that **NB** thought one could meikil if they first shaved down their hairs without a razor to then do so with a razor
 - C. **Aruch Laner** thinks one can pluck out פאות הזקן with your hands, since that's like a רהיטני.

Reason for the Issur

- I. **Rambam Hilchos AZ 12:1** seems to think it's important to give the reason that this is connected to avodah zara practices: כמו שהיו עושין עובדי עבודה, אין מגלחין פאתי הראש, "זרה וכומריהן--שנאמר "לא תקיפו, פאת ראשכם דרך כומרי". In **halacha 7**, he similarly says זרה היה להשחית זקנם, לפיכך אסרה תורה להשחית הזקן עבודה זרה היה להשחית זקנם, לפיכך אסרה תורה להשחית הזקן.
- A. In the **Moreh**, **Rambam** thinks many, many mitzvos are because of AZ, including בב"ח, Shatnez, and much more. However, those examples are not alluded to in his halachic works. And he paskins those dinnim in Zeraim and Ma'achalos assurah. But this one he puts in hilchos AZ and spells out this reason. Why does he feel it's important to give the reason in the Yad, which he usually doesn't do?
 - B. The **Tur 181** picks up on this and writes: וזה אינו מפורש ואין אנו צריכים לבקש טעם. למצות כי מצות מלך הם עלינו אף לא נדע טעמן in this machlokes?
 1. It could be this a machlokes about whether one should ever be doresh ta'amei hamitzvos, that Tur thinks we shouldn't spend time on that, and certainly not speculative reasons. However, it seems more likely that this was a local objection against Rambam's decision to write the reason in Mishneh Torah.
 - a) The **Taz 181:1** explains that Tur understood that Rambam was saying this in a practical way with a nafka minah, that because it's a din in בחוקותיהם, it becomes muttar for שלום מלכות, like we see by other dinnim of בחוקותיהם (like Bloris). Tur is upset because we can't make nafka minas based on the reasons that we made up. Taz continues that even if we can't find any other reason, that doesn't let us ascribe this as an explicit reason, since we don't need to understand the reason
 - b) The Taz is pretty radical, and not everyone agrees to it, but it's at least a good pshat in the Tur's havana in the Rambam.
 - (1) **Pischei Teshuva 1** beshem **Panim Me'iros** disagrees and says חלילה to think Rambam thought this, since it's clearly not a case of מסרה הכתוב (he assumes the Kessef Mishnah's pshat in בחוקותיהם). Also, there's nothing added by having this be a separate issur if it's anyway subsumed in בחוקותיהם! **Minchas Chinuch** also doesn't like it.
 - C. It's possible that the connection to AZ for this mitzvah is different from the connection by other mitzvos. **BY** writes that this havana of the Rambam has its source in the pesukim, since the preceding pesukim and following pesukim in Vayikra are about

restrictions from idolatrous practices. As such, it's not speculative, but is pshuto shel mikra.

1. **Sefer Hachinuch 251** indicates that it's not just the pesukim that make this reason, but Chazal. He says "ופירשו ז"ל" with regards to the halachos, that it's like the Komrim do. It seems he's saying that the halachos reflect that the reason for the issur is not to copy the priests.
2. Shaving the entire head is a discussion in the gemara. Sefer Hamitzvos says the reason we have a hava aminah otherwise is because it wouldn't be like the komrim.
 - a) Chazal often seem to take the reason for a mitzvah in a practical way. Usually, the reason for this is because we say this is the geder and not the ta'am of the mitzvah. More or less, ta'am is asking "why" from the outside, while a geder is asking why from the inside: **R' Aharon Lichtenstein**: The chiluk is whether we're asking a juridical why vs. a philosophical why.
 - (1) [There's no ra'ayah from mesaper kumi that it's muttar, since Rambam thinks it's only assur with a ta'ar, so could have just done it with מספרים כעין מתער.]
- II. Other reasons given:
 - A. **BY** thinks Tur learned that Rambam thinks we shouldn't keep mitzvos if we don't know the reason. **BY** says ח"י that Rambam actually thought this, and it was all a misunderstanding.
 - B. **Darkei Moshe** says the Tur thought Rambam thought we should be דרשינן טעמא דקרא such that the issur wouldn't apply whenever the reason doesn't, and Tur is rejecting that.
 - C. **Bach**: Rambam was trying to increase the issur so that it's not just this lav, but to recognize it's also a problem of בחוקותיהם. See Bach near the end of the siman who argues this is why Rambam says we have a minhag not to shave even in ways that are muttar, so that we aren't מתדמה to the goyim.

Peios HaRosh (Haircuts)

Hakkafas Kol HaRosh

- I. **Gemara Nazir 58a** concludes all agree one is chayav for hakaffas kol harosh. This is paskined in **YD 181:2**

Makom Pe'os Harosh:

- I. **Gemara (Makkos 20 + Shavuos 3)** never clearly spells this out. **Makkos 20b** says that פאת ראשו סוף ראשו ואיזהו סוף ראשו זה המשוה צדעיו לאחורי אזנו ולפדחתו
- II. **Rashi on Shavuos 2b (bottom)** says the lower limit is מקום חיבור הגלגולת עם הלחי והן (i.e. where the jaw meets the skull)

III. **Rivan Makkos 20b + 21a¹** is very confusing:

- A. He first says that the end of the Rosh is the zygomatic arch², but then he says that the peios harosh extend until some place below the ear לחי שבולט לחוץ. We thought this meant an inch or two below the ear when the jaw ends on the side and you feel it move when you open your mouth.
1. This might be a straight up stirah within his explanation of a single sugya, as R' **Wiederblank, Aaron Brooks + others** read the Rivans: is the upper-bound of the peios all the way at the temples or lower down where the jaw meets the skull.
 2. Alternatively, it's not a stirah, but for some reason the Rivan thinks that although the ראש ends at the zygomatic arch, the peios harosh extend beyond that point. This is how we read it, but admittedly is hard to understand.

IV. Many Rishonim don't give clear definitions for pe'os haRosh. For example, **Rosh on Makkos + Rambam 12:1** just says the "צדעים" without explaining what those are.

However, you can figure out the lowest point based on their descriptions of the פאות הזקן, since the פאות הראש will be above that.

- A. From **Rambam 12:6³**, we know that the lowest point has to be above the "לחי העליון"
- B. For **Rosh**, it has to be above the לחי לצדעים.
- C. **Rambam** also says כמו שהיו עושין עובדי עבודה זרה וכומריהן, which presumably means circling off the head by the ears (see images of Roman tonsure online). The **Nimmukei Yosef** spells this out as well. It's also the pashut pshat in the gemara that being משווה צדעי by making them equal to forehead and back of ears is assur, so that's clearly part of it (although **Rivan** may have learned that gemara differently, and just saying as *smooth* as those areas, or to cut across the middle of the ear).

¹ Some of the relevant leshonos are below:

חייב על הראש - על הקפת הראש חייב שתי מלקיות דשתי פאות יש לו לראש שהראש כשתי חתיכות מקום השיער חתיכה אחת ומקום הפנים והזקן חתיכה אחת ומתחברות זו עם זו בצד האוזן מלפניו מקום שלועזין טנפל"א ושם נקרא פאה ששם סוף הראש מקום חיבור הפרקים ונמצא שיש לו שתי פאות צידעא מכאן וצידעא מכאן

This implies the pei'os harosh end at the zygomatic arch. However, he writes by peios hazaken as follows:

שתיים מכאן - חמש פאות יש לו לזקן אחד למטה מן האוזן מקום שלחי התחתון יוצא ומתפרד שם ושם נקרא פאה בחודו של לחי שבולט לחוץ ששם מתחלת הזקן וכל מה שלמעלה עד הצידעא בכלל פאת הראש היא ושתי השיבולות כל אחד מהן לסוף הלחי ונקרא פאה ואחת מלמטה שיער שבין השיבולת באמצע הסנטר שלועזין מנט"ן.

This implies the peios harosh extend all the way to near the bottom of the ear. See also his leshonos on 21a בי פירקי דדיקנא and ד"ה בי פירקי דרישא.

² Throughout these notes, I refer to "the bone" by the ear as the zygomatic arch, based on Rav Jachter's book. It seems anatomically the more accurate way of referencing this might be the mandibular fossa, but I'm going to stick with R' Jachter's language.

³ דרך כומרי עבודה זרה היה להשחית זקנם, לפיכך אסרה תורה להשחית הזקן. וחמש פאות יש בו--לחי העליון ולחי התחתון מימין, ולחי העליון ולחי התחתון משמאל, ושיבולת הזקן.

- D. **Ritva 21a⁴** has a unique shitah that the only place prohibited is where you can draw a line from the back of your ear to the forehead, but the area below that (before the beard has started) is neither פאות הזקן nor פאות הראש, and one can do anything there.
1. **Meiri⁵** might hold this way as well. He seems to say that the Peios HaRosh are just the place where the skull meets the לחי העליון which has the ears and face. He says those are בליטות שעל האזנים. Not exactly clear, but seems to be just the area between ear and forehead. Like Ritva, this would mean the area below it isn't a problem.
- E. Summary of the upper limit: Just about **everyone (Rashi, Rambam, Rosh, Nimmukei Yosef, Ritva, + Meiri)** besides maybe the **Rivan** thinks the upper limit is going to be where you're mashveh your forehead to above the ears. As **Rashi AHT Vayikra 19:27** puts it, לא תקפו פאת ראשכם - זה המשוה צדעיו לאחורי אזנו ולפדחתו, ונמצא הקף ראשו, עגול סביב, שעל אחורי אזניו עקרי שערו למעלה מצדעיו הרבה:
1. It's unclear if it's a straight or curved line and whether it connects to the top of the part or the hair or a little below it, but that's basically what we're talking about in terms of the upper area. A few shitos in acharonim:
- a) **Chazon Ish** (Orchos Rabbeinu p. 100) has the most מחמיר approach, that you go from the top-most point of the hairline above the ear in a straight line towards the top corner of the forehead. This is also the opinion of the Yad Haketannah (2:23) quoted in **Darkei Teshuva 181:13**.
 - b) In contrast, **Rav Belsky** (Shulchan Halevi English p. 122) writes that he heard directly from **R' Yaakov Kaminetsky** that it's a slightly curved line going from the highest point of the hairline as it arches over the ear (like the Chazon Ish said), towards the point where the hairline of the forehead turns sharply downwards toward the sideburns.
 - c) There's a third tradition (see **Peios Kehalacha pgs. 45+49**) that the upper bound doesn't start from above the ear, but at the point where the ear connects to the head, which would lower the shiur by a bit. I didn't see this stated by any poskim we generally follow though.
- (1) See image below for the two basic shitos in red (Chazon Ish is straight line to the top and curved line is R' Ya'akov Kaminetsky), as well as a yellow circle denoting the starting point according to the third shitah.

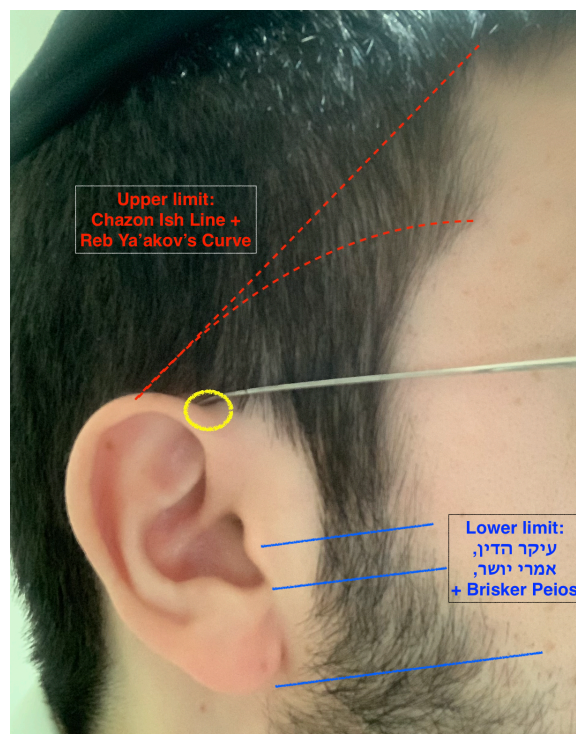
⁴ מחוי רב ששת בין פירקי רישא. פירוש והם במקום חיבור הראש עם הפנים שהראש שתי חתיכות מקום השער חתיכה אחת ומקום הפנים והזקן חתיכה אחרת, ומתחברת בצד האוזן מלפניו זו עם זו במקום שהלועזים קורין סינבל"א והיא נקראת צדעה כי שם סוף הראש מקום חבור הפרקים, וכן אמרו בתוספתא וחייב על הראש שתי אחת בראש הצדעא מכאן ואחת בראש הצדעא מכאן, ולשון הכתוב שאמר לא תקיפו פאת ראשכם הוא מה שאמרו לעיל בברייתא במשוה צדעיו לאחורי אזניו ולפדחתו, לפי שהשערות בצדעא הם בולטות כלפי הפנים למטה ממקום צמיחת השער שבראש לפניו במצחו ולאחוריו באזניו, וכשאדם מגלח שערות של פאה זו עד שיהא מגלח כל היוצא חוץ ממקום צמיחת השער שבמצחו ולאחוריו אזניו ויהיה הכל שוה יראה מקום הצדעא עם אחורי האוזן ועם הפדחת שהוא המצח הכל חלק וישאר הראש בעיגול מוקף ועומד כבכוליאר, והשערות שבאותו הפרק הם מה שיש בגופו של פרק זה כי היורדים למטה בחתיכת הפנים אינם מכלל שום פאה לא מפאת הראש שהרי אינם בראש ולא מפאת הזקן שאינם מכלל שערות פאות הזקן כלל, וכתב הרמב"ם ז"ל פאה זו שמוניחים בצדעא לא נתנו בה חכמים שיעור ושמענו מזקנינו שאין מניחין שם פחות מארבעים שערות ע"כ, וקיי"ל במס' נזיר (נ"ז ב') דהקפת [כל הראש שמה הקפה

He means that the hair on your head is one section, and the hair on your beard is another section, and the sideburns are where they meet – the hair is “bolet” in that the hairline moves out from the sideburns towards the front of the face, and also wraps around the ears.

⁵ ולענין פאה חייב על הראש שתי אחת מכאן ואחת מכאן ר"ל צידעא אחת מכאן וצידעא אחת מכאן מקומות שמתחבר בהם עצם הגלגולת שבו השער עם הלחי העליון שבו הפנים והאזנים שהם הבליטות שעל האזנים והוא ענין משוה צדעיו לאחורי אזנו...

- d) The upper limit is halacha lema'aseh in terms of barber's desire to thin out the hairs near the ear and closer to the forehead to make the hairline look sharper. Otherwise, the lower limit is really what's most relevant.
- F. Summary + halacha of the lower limit: The vast majority of Rishonim think that the lower limit is where the upper and lower jaw meet, or higher. This includes **Rashi Shavuos, Rambam 12:7** (includes lechi elyon in peios hazakan), **Rosh, Rash Mishantz on Sifra Kedoshim 6:3, Ra'avad Toras Kohanim ibid., Ritva, Meiri + others**. As noted, some say it's at the zygomatic arch (the bone), while others (like Ritva and maybe Meiri) say it's even higher.
1. However, **SA 9** very surprisingly paskins like the Rivan: מקום, מטה מן האוזן, ועד למטה מן האוזן, מטה מן האוזן. **Gra** notes he's like Rivan (what the Gra calls Rashi).
 - a) **Brisker** peios basically follow the language of the SA and say it means the bottom of the ear. In terms of what מקום מהלחי בולט means (Rivan's lashon), R' W. explained that when you clench your jaw, you feel that stick out (although you also feel other parts of the face stick out)
 - b) There's another read of the SA + Rivan that "אוזן" doesn't mean the entire ear, including the lobe, but less than that. **Imrei Yosher 2:183:2** argues the "אוזן" in Chazal always means only the cartilage area, not the lobe. So he thinks even the Rivan doesn't mean to include the earlobe, but the bottom piece of cartilage. That more or less aligns with the lechi hatachton. He says mideoraisah certainly the din is really to the bone, but that SA is being machmir to that lower cartilage lest you make a mistake.
 - (1) See **Avnei Yashfe 2:68** who quotes **Rav Elyashiv** as thinking this was the ikkar hadin. **Rav Schachter** also thinks this is the correct practice, although he says the ikkar hadin is the zygomatic arch.
 2. Because he's against all the other Rishonim, **Eretz Tzvi 3:5** says the **SA** is very difficult – why paskin like **Rivan** against everyone else!? To be sosem against the Rambam and others is very surprising!
 - a) The **BY** though seems to think the **Rambam** agrees to the Rivan. It's not clear how that's possible. The other he'ara is that since the whole thing is a safek deoraisah, he says we have to be machmir.
 - (1) Eretz Tzvi argues that even Rivan didn't mean how SA understood him, but rather that the peios hazakan start below the ear, and there's an empty space which aren't any peios at all (like Ritva says) between that and the peios harosh, which really start at the zygomatic arch, like all the other Rishonim say. *This is very hard to read in the Rivan, and our read is lichorah more compelling.*
 - b) So you'll see many people who have long sideburns to fulfill the SA. They're coming from the **SA – Rav Sobolofsky, R' Aharon Lichtenstein, etc.** They do it either to the bottom of the ear, or to the bottom of the cartilage of the ear.
 - (1) [See R' Jachter pg. 2 fn. 3 that RAL apparently only did it as a chumrah and not because he thought this was the ikkar hadin.]
 - c) The minhag ha'olam is not like the SA though. Most Orthodox Jews follow the more lenient view that it needs to go to the "bone"/zygomatic arch, and that's not so surprising, as it's the overwhelming position among the Rishonim. **Rav Moshe + Rav Yaakov Kaminetsky** are quoted by R' Jachter pg. 4 as being meikil this way. [R' Jachter incorrectly states that this is the view of the **Chochmas Adam 89:16**. In truth, he writes exactly what SA said.] See **Divrei Yatziv YD 61** as well.
 - (1) Even within this position, it's not so clear where it begins – from below or above the bone?

- (2) The Chevroners followed a lenient version of the lenient position. **R' Jachter** thinks to be machmir like the machmir version of the lenient view, i.e. to the bottom of the bone. This also appears to be the opinion of **Teshuvos Vehanhagos 4:198**.
- (3) **R' W.**: The pashtus is that peios harosh is where facial hair doesn't grow. The area above facial hair. [**Bach DH** לאֵלַא makes this point.] Look at a kid, and you'll see where the head hair ends. That corresponds to the most meikil view position (i.e. like the Chevroners did).
- d) A few more tzedadim to be meikil:
- (1) Even if you think me'ikar hadin hakafas haRosh goes into the lechi tachton, the **Rambam + others** would still be matir if you're not using an actual Ta'ar. **(a) SA 3** says to be machmir against the Rambam, but it's a psak misafek not Mita'am vadai..
 - (2) Further, you have the **Rambam** that if you leave 40 hairs, that's sufficient. [**SA** doesn't even quote this shitah in SA.]
 - (a) The above two tzedadim lekula are rejected by the SA though, so there's definitely room to be machmir. **Rav Schachter** thinks one should be machmir for the lenient view of the Imrei Yosher (i.e. down to where the cartilage reaches).
 - e) So in summary, the minhag seems to be like most Rishonim that it goes until "the bone" – should probably be machmir to the bottom point of the zygomatic arch to be careful. That's the ikkar hadin. Within the **SA**, **Imrei Yosher** says he means just until (but not including) the lobe, which **Rav Elyashiv + Rav Schachter** accept. The "Gush burns" are a chumrah for the most literal reading of the SA. See below for summary picture.
3. The Chassidish practice: **Beis Lechem Yehuda on Seif 3 + others** quotes **Arizal** that he wouldn't cut any of the hair of his peios until they went down below his chin. This also fits with the literal reading of **SA** that "לא תגע בו יד."



Can one shave the Peios Harosh with a non-razor?

- I. By peios hazakan, gemara says only ta'ar is a problem, but מספריים is muttar, as are מלקט וריהטני. Only תגלחת כעין תער is assur.
 - A. What's Rehitni + Melaket: **Nimmukei Yosef**: Both are forms of a tweezer. **Rashi Kiddushin 35b**: Both are forms of a plane. **Rambam PHM**⁶: One is a tweezer and one is a plane for taking off some hair. It might cut as close as a razor, but it's not תגלחת.
 - B. You see we care about the ma'aseh and not just the totza'ah, which is why **Nimmukei Yosef + Rambam** assume you can use a tweezer, despite that they completely uproot the hair. This also explains why you can use סם.
- II. Bepashtus, this hetter is only for פיאות הזקן (that this is muttar) but not פיאות הראש, as the gemara only ever says it by פיאות הזקן. As such, misparayim and מלקט/ריהטני should be assur on peios harosh. This is how **Tosfos Nazir 41b**, **Rosh**, **Nimmukei Yosef in Makkos** + many others says.
 - A. There's a ra'ayah to this from **Nazir 41b** that we learn you need a ta'ar davka by metzora only because it says zaken there specifically, which thus teaches עשה דוחה ל"ת. It has a different limud from fact that it says Rosh. It sounds like we only see תגלחת through ta'ar by beard, but by head it would have been עדי"ת even without a ta'ar!
 1. **Ritva 21a**⁷ rejects the ra'ayah from Nazir and thinks that Rambam learned the head has the same hetter as ta'ar because of hekesh to zaken. As such, there's no ra'ayah:
- III. However, half the Rishonim think that the issur by peios harosh is only with a ta'ar as well, and one can use מספריים כעין תער here. **Rambam AZ 12:6 + Shu"t Haref** paskins this way, **Nimmukei Yosef** quotes **R' Yeshaya (Piskei Rid)** as thinking this as well, and **Mefarsh on Nazir 40b** says the same. **Riva** quoted in **Tosfos Rabbeinu Peretz** also thought this way, but was machmir nonetheless.
 - A. Ra'ayos: There's a **Tosefta** which says explicitly that there's a limitation of תער to peios haRosh. The other rishonim are docheh that this means מספריים כעין תער.
 - B. What's the limud for such a hetter? **Ritva Makkos 21a** gives two possible sources for this:
 1. Lo Sakif means to remove your hair. If you use scissors, there's still hair left. Only a ta'ar removes hair entirely.⁸
 - a) If so, Ritva notes that מלקט וריהטני should be assur on the peios, since you've removed everything.

⁶ פירוש המשנה לרמב"ם מסכת מכות פרק ג
והיטני, ברזל שאינו משרש את השער וכורתו מעיקרו. ומלקטת, המלקחים

⁷ ונראה דלא קשיא לפום חדא לישנא דכתיבנא לעיל דהקפה בתער מהשחתה הוא דיליף לה ומשום הכי אילו לא כתב אלא ראשו (הו"א) ודאי [הו"י] ס"ד דגלוח מצורע בכל דבר, אבל בתר דכתב רחמנא זקנו ולמדנו ממנו דגלוח מצורע בתער דוקא ממילא ידעינן דבעלמא נמי בין הקפה ובין זקן לא נאסרו בעלמא אלא בתער, וכן נראה ברור, ועם כל זה הנזהר שלא להקיף אפילו במספרים כעין תער הרי זה משובח.

⁸ חידושי הריטב"א מסכת מכות דף כא עמוד א
ואפשר דנפקא לן לתוספתא האי דינא משום דכיון דהקפה היא השוואת הצדעים ואחורי אזנים ולפדחתו דלא חשיב הא במספרים אלא בגלוח תער, ולפי טעם זה כש"כ דאסור במלקט וריהטני ולא נקט תער אלא לאפוקי מספרים דשרי

2. Some source connecting to peios hazakan, like a hekesh between hakafa and hashchasa. Or **Nimmukei Yosef** says it might a gzeirah shavah of פאת פאת.
 - a) If so, even מלקט וריהטני would be muttar on Peios harosh.
- IV. Lehalacha, **SA 3** quotes the Rambam + the mekillim as the sham dei'ah – that one *can* shave their פאות הראש as long as not with a תער – and then quotes Rosh as א"א, but concludes that יש לחוש לדבריהם. This is why no one shaves their colloquial "peios"
 - A. **Combing sideburns**: This leads **RAE Shavuot 2b, on Gilyon + in teshuvos mikisvei yad 63** to say it's therefore assur to comb your sideburns, since it's a psik reisha that hairs will be uprooted.
 1. It may be that there's not a psik reisha just to comb your sideburns once. But we generally assume in halacha that combing is a psik reisha (it might be only when you comb all your hairs).
 2. See below that even the machmir shita thinks the shiur is two hairs at a minimum – who says it's a psik reisha on two hairs? However, **R' W.** said one hair is presumably a chatzi shiur according to the Tosefta like we'd say on Shabbos, so this probably wouldn't help.
 3. RAE says we could have a sfei'ka sfei'ka – maybe Rambam is right that only a ta'ar is assur (and assuming like Ritva's safek that מלקט is then muttar) and maybe Rambam by 40 hairs is right. But he rejects it since the 2nd safek is completely rejected. The proof to this is that then you could do כעין תער on much of the peiah, but **SA** says לא תגע בו יד on the whole area!
 4. Maybe you could say פס"ר דלנ"ל is different than intentional. We'll have to return to that.
 5. Lema'aseh, **Pischei Teshuva 3** quotes **Chasam Sofer 139 + 140** that this isn't a problem – see there that he says it would be against the Mishnah that says a Nazir can't comb his hair, which implies it's muttar for a non-nazir to comb their hair! **Orchos Rabbeinu** quotes **Chazon Ish** and **Steipler** as thinking this is muttar, although **Steipler** was personally machmir.

How short can you cut peios harosh?

- I. As mentioned, we're machmir in **SA 6** that can't even do כעין תער. How long is this?
- II. The vast majority of Rishonim never give a shiur. **R' W.**: I would have assumed that the difference between a ta'ar and scissors that there's a space between where it's cut and your face. The bottom blade has a thickness. As long as you use misparayim normally, that would be muttar. כעין תער means I'm somehow using scissors to get closer to the root than a normal scissor blade would. This explains why none of the Rishonim give a shiur.
 - A. See **Chasam Sofer 154** who thinks the shiur is קריצת הצפורן. Similarly, see **Beur Halacha 251:2** who says קצת מן הקצת עכ"פ לשייר להם. It sounds like the tiniest stubble would be sufficient me'ikar hadin to consider it כעין תער, and **Nefesh Harav p. 234** reports that this is what **R' Moshe Soloveitchik** thought was correct as well. [See **Chochmas Adam 89:16 + Kitzur SA 170:1** who also sound this way.]
- III. However, **RAE in Teshuva 63 mikisvei yad** assumes that it needs to be as long as לכוף את ראשו לעקר. **Ksav Sofer** beshem the **Chasam Sofer** (quoted by **Darkei Teshuva 181:16**) says the minhag is this way, as do others. Where'd they get this from?
 - A. **Niddah 52b** has a machlokes about how long "two hairs" need to be for various Halachos, including Parah Adumah, Nega'im, and when a child becomes a Gadol. One of the opinions there is that it's כדי לכוף ראשו לעיקרן, and the gemara says we paskin lechumrah for all shailos. If so, that might tell us the shiur of hairs for peios harosh need to be כדי לכוף ראשו לעיקרן.

1. The problem is that the Mishnayos there never mention הקפת הראש. If this were correct, it should have been mentioned there in Niddah where it gives many nafka minas for that shiur, and no one mentions that hakafas haRosh is included in that!
- B. But **Rambam Nazir 5:11** is befeirush that this is the shiur of כעין תער. He only says this in Nazir, as he thinks כעין תער is always muttar by hilchos hakafas haRosh. His lashon: ואם הניח ממנו כדי לכוף ראשה לעיקרה אינו לוקה שאין זה כעין תער
- C. The problem is that כעין תער you're OK. **Rambam** has this long shiur, but he himself thinks כעין תער is muttar. On the flipside, all the Rishonim who think כעין תער is assur have a much closer shiur – **Tosfos Nazir 40a** DH ובתער + **Rosh in Nazir 40a** think it either means completely uprooting or is right against the skin! You could then say a trimmer should always be muttar on the peios – **Rambam** would say muttar since כעין תער is muttar, and even if you hold like **Rosh**, this isn't כעין תער. There's no shitah in Rishonim that would say this is a problem.
 1. At the same time, we could accept the chumrah of both, even though no Rishon would be machmir. For example, "Rabbeinu Tam tefillin" aren't really the shitah of any rishon, as they follow his order, but are still put standing up, like shitas Rashi.
- D. Therefore, the pashtus is that me'ikar hadin, as long as there's any guard on a shaver, it's going to be muttar even on the peios harosh. You could use a guard of any size. **Teshuvos Vehanhagos 4:198** says this explicitly (any scissors is OK). If you told him you want just scissors normally, that should be fine. Or you could say to use a trimmer. However, great poskim were machmir. As such, lechatchila, we should certainly be machmir that we need לעקרו ראשו לכוף ראשו.
 1. How long is this? **R' Jachter** said using a two should be good enough. 2 is 6.4 mm.
 2. He quotes from **R' Belsky** to ask for a 3 – close to a cm.
 3. Most people don't get less than a 2. As long as they don't get a razor, and they use a trimmer with at least a 2, you're certainly OK. If you say shave sides with a 2 guard, you're OK. The barber will often do a 0 around the ear though. Tell him only two on the ear and that will be fine.
 4. My he'ara: See **Nazir 39b** which says it takes 7 days for hair to grow as long as כדי לכוף את ראשו. According to online research, and a paper published in 2005, hair grows .1-.125 inches in a week.⁹ This is maximum 3.2 mm, which is still well underneath the 1.5 guard (4.5 mm). **R' W.** very much liked this, and R' Jachter quotes **R' Schachter** as paskining this way that a 1.5 guard is always good.
 - a) So in sum, the baseline ikkar hadin is that any guard suffices, but bnei torah should be machmir to use at least a 1.5 guard on peios harosh
- IV. **R' W.** reiterated that when going to a barber, still have to make sure they don't take off the guard to thin out the sideburns. Further, even if they're using a scissors, Misparayim ke'ein ta'ar can be done with a scissor if you rotate the scissor by cutting at the tip of the scissor. If a barber were to thin out your sideburns when doing that, you'd have a problem.

How many hairs to be chayav for peios harosh?

- I. **Rambam AZ 12:6** quotes an oral tradition that as long as you leave 4 (or 40) hairs, it's muttar. **Tosfos Nazir 41b** may hold something similar that it's OK if you leave "הרבה" hairs: **BY 9** notes it's also וכן נהגו העולם כשמגלחין התינוקות לשייר בצדעיהן הרבה שערות

⁹ Specifically, African hair grew more slowly than Caucasian hair, which in turn grew more slowly than Asian hair (mean ± SD: 280 ± 50, 367 ± 56 and 411 ± 43 μm/day, respectively). Even to be machmir and say 450 micrometers a day, that would equal 3.15 mm. The study is called "The Diversity of Hair Growth Profiles."

meduyak in **Rivan** who says משה צדעיו is only when you cut off all the hairs to make it equal from ear to forehead.

- A. It's interesting that Rambam was comfortable with this oral tradition without any ra'ayah. Is there any source for this? **Tashbeitz 2:100** suggests we learn it out from Korchah Berosham, which requires pulling out a Gris (36 hairs), which is pretty close to 40 hairs. Meheichi Teisi to learn from there?
1. **R' W.**: The Torah prohibits rounding the head. That sounds like there's no hair. If you think just a few hairs is a problem, you look exactly the same still! Maybe you'd think not chayav until zero hairs left then, but Rambam thinks that's also not correct, and that's where he turns to the sugya of Korchah. Rambam paskins like the opinion that to be chayav for קרחו קרחה, לא יקרחו, you need to pull out a significant wad of hair. The shiur is ~40 hairs. That's the definition of a significant amount of hair. Our issur is then the reverse – as long as you leave a significant amount of hair, it's מותר.
 2. **Tashbeitz** tries to figure out why it's 40 and not 36. He says maybe because you need to square it out, or it's lav davka.
- II. However, **Nimmukei Yosef** notes **Smag 57** quotes **Tosefta Makkos 4:4** that one is chayav for any two hairs, and that's also what **Avi Ezri** (Ra'avya) writes.
- A. **Kesef Mishnah 12:6**¹⁰ says he doesn't understand the kashya – it's true the shiur is 2 hairs, but that just means two hairs once you've already only got 40 hairs left! **Minchas Bikkurim** learns this way on the Tosefta.
1. **Drisha beshem Rashal + Bach** explain the question differently – even if the Tosefta is talking about where there are four/fifty hairs left, one should still be chayav the moment they cut one hair, not two!
 2. **R' W.**: The problem even after the Kesef Mishnah is that the **Rambam** should have to say you need to cut two hairs to be chayav if he really holds like the Tosefta! R' W. suggested the Rambam rejects the Tosefta because the gemara really doesn't sound like it holds like the Tosefta – it says you have to be משה צדעיו to be chayav. It could be Rambam thought this gemara is saying that you have to get rid of the entire sideburn, unlike Smag who thinks it means to take off two hairs of the sideburns. If so, the Rambam is really rejecting the Tosefta.
 3. **Keren Orah Nazir 40b** assumes this way as well that Rambam is paskining against the Tosefta. He thinks the Tosefta mentions two se'aros only because of Yom Tov, but two hairs isn't the shiur. See **Minchas Chinuch 251:5** who also says Rambam rejects it. Alternatively, **Chasam Sofer YD 139** thinks the shiur is the last two hairs of the head, and the Rambam's shiur is a chumrah midrabanan to leave 40 hairs
- B. **BY 191:9**¹¹ concludes that since it's a safek deoraisah, one should be machmir. He concludes that one shouldn't cut any hair from the hair by the hairline to some place "below" the ear where the lower jaw comes out and separates, and that one shouldn't thin the width at all.
1. **SA 9** doesn't even mention that some are meikil, but just says לא כל רוחב מקום זה תגד. **Gra** notes this is a safek though.

¹⁰ ואיני יודע מה הוקשה לסמ"ג דהא רבינו איירי בשיעור הנחת הפאה כמה שערות חייב להניח והתוספתא איירי בתולש שערות מהפאה כמה שערות יתלוש ויתחייב וקאמר דבתלשית שתי שערות חייב ואין זה ענין לדברי רבינו

¹¹ ונראה דכיון דספיקא דאורייתא היא יש לזהר מלגלח הצדעים מכנגד שער שבפדחתו [בדק הבית] במקום שבפדחתו צ"ל שעל פדחתו [עד כאן] ועד למטה מן האוזן מקום שהלחי התחתון יוצא ומתפרד שם ועל רוחב מקום זה לא תגע יד בתער או במספרים כעין תער:

2. In sum, it's a machlokes if the issur is to cut any two hairs (pashtus of the Tosefta), or that you can cut quite a bit until 4 or 40 hairs are left, but SA paskins lechumrah that "לא תגע בו יד." Unclear if one hair would be an issue of chatzi shiur.

Women and Ketanim

- I. Women don't have the issur to be nikfaf
 - A. Explicit in **Kiddushin 35b** that they're excluded from the issur of peios harosh and peios hazakan.
 1. **Rambam 12:2** says they're "peturos" if they get a haircut. **Kesef Mishnah** says he means muttar, but just used that lashon agav the other halacha that Rambam says they shouldn't be giving haircuts to a bar chiyuv (see below).
- II. Rav Huna and Rav Adda bar Ahava have a two-part machlokes in **Nazir 57b**: **Rav Huna** thinks that a) One who gives a haircut to a child is chayav and b) A woman is allowed to give a haircut to anyone. **Rav Adda** thinks a) one is allowed to give a child a haircut, and b) that a woman has no hetter to be makif anyone who is chayav in the mitzvah.
 - A. The **gemara** continues that **Rav Huna** allowed his wife Chovah to give her children a haircut (i.e. to cut off the peios haRosh) per part b) of his shitah, and although Rav Adda bar Ahava also thought this was מותר per part a) of *his* shitah, he said תקבירנו חובה לבניה ; because Rav Adda thought a woman isn't allowed to a haircut o anyone that has a חיוב, he objected to Rav Huna allowing his wife to give a haircut to a child, as "לדיך," children are חייב in hakafas haRosh. The gemara continues that his klalah was mekuyam, and Tosfos explains it was מלפני השליט .
 - B. All the Rishonim (e.g. **Rif Makkos 20b**, **Rambam 12:1**, + **Tosfos Nazir there**) + **SA 5** paskin like Rav Huna that giving a kattan a haircut is chayav. **Gemara BM 10b** assumes this way, as it says if a man were to be makif a kattan, he'd be chayav, while a woman being makif the kattan wouldn't be chayav (see below). The conclusion re: a woman giving a haircut is unclear (see below for how BM is addressed)
- III. Can a woman give a kattan a haircut?
 - A. **Rambam 12:5** says it's assur for a woman to give child a haircut. It seems he learned that the maskana of the gemara was that Rav Huna did something wrong in allowing Chovah to give the kids a haircut. This is also meduyak in **Rif on Makkos 20b** that he quotes the end of the story that Rav Huna + Chovah were cursed from Rav Adda's statement.
 1. **Ra'avad** spells out it's only assur miderabanan. [See **Lechem Mishnah** that Rambam agrees to this.]
 2. The Gemara in **BM 10b** says a woman isn't a bar chiyuva is a little shver for this shitah. You have to say she's not a bar chiyuva only on the level of deoraisah.
 3. See **Bach** דשאני קללת חכם דאפילו על תנאי היא באה – who doesn't like Rambam's ra'ayah to paskin against Rav Huna –
 4. Similarly, **Gra** notes that **Tosfos Nazir 57b** already dealt with this ra'ayah by saying it was כשגגה היוצא מפני השליט, but not because that was the din.
 - B. **Nimmukei Yosef** understands **Rif** to mean a woman can give a child a haircut lechatchilah, and this is how **Yereim 336** paskins as well. **Tosfos Nazir 57b DH** והני thinks Rav Huna allows a woman even to give an adult man a haircut, and that's also mashma from **Rashi + Tosfos BM 10b**, but that the nikfaf still has an issur.
 - C. **SA 6** paskins that a woman is allowed to get a haircut and to give one, but quotes **Rambam + Ra'avad** as א"י that she shouldn't give a haircut to an adult or a kattan.
 1. **Gra** notes that Rambam + Ra'avad's hechrech is already implicitly rejected by **Tosfos**
 2. I asked **Rav Schachter** whether a woman could thin out her child's sideburns, since the issue of לא תגע בו יד is lichorah only true due it being a safek Issur deoraisah.

For an Issur דרבנן, maybe there's room to be meikil. He said there was no reason to be meikil on this though, and that she should therefore be מחמיר. **Rav Wiederblank** told me the same.

- D. RAE** asks why it wouldn't be a problem of מסייע ליה or לפני עור according to the meikil shitah to give an adult a haircut. He says it's not lifnei iver deoraisah since they could have given themselves a haircut. He further suggests (אולי י"ל) that it must be since the person would violate two lavin if they gave themselves a haircut, the woman is really saving them an issur, so since there's fewer net issurim, it's not a problem of מסייע (more on this below).
1. **RSZA** argues RAE's uncertainty is that he was uncertain if the person would definitely cut off their peios themselves, but the sevara itself is glatt, and is used in other contexts (see below).
 2. Accordingly, although a woman can get a haircut, we're מחמיר that she shouldn't give a haircut due to מסייע ליה unless the other person would certainly cut off their own peios.
- E. The Minchas Chinuch 251:7, RAE + others** struggle with the question of why there's no issur of sefiyah bayadayim here when giving the child a haircut.
1. Acharonim give different answers, but the one that **Binyan Tzion 118, Beis Halevi 1:15 + others** give is that there's no issur of ספייה בידים on an issur that I myself am not muzhar on. They note that the famous **Roke'ach** about a kohenes going into a cemetery due to ס"ס seems to go against this though, as is the **Taz YD 373** that beis din can't be metameh a kohen kattan beyadayim. However, **Binyan Tzion** (the Aruch Laner) thinks there's no gemara which says this explicitly, and that it makes more sense to say the opposite – the gemaras in Yevamos על להזהיר גדולים say להזהיר גדולים by Tumah learns this from אמור ואמרת. There, the pesukim are talking to kohanim, so the pashut read is that only an adult kohen is muzhar on being metameh a kohen katan! He finishes by saying כדי לחלוק להקל אפילו ולכן אף שאינני על משמעות קצת מהראשונים מכ"מ נלענ"ד להלכה ולמעשה היכי שיש צורך לטמאות לכהן קטן שמוטב שיעשה ע"י ישראל או כהנת משיעשה ע"י כהן וכן היכי שצריך ליתן איסור בידים לקטן שמוטב שיעשה ע"י מי שאינו מזהר בעצמו עליו. הקטן יעקב.
 - a) See Binyan Tzion ibid. That **Maharam Shick + another gadol** came to the conclusion that it's assur in general even when you're not personally muzhar, based on multiple rishonim and other gemaras (although no great ra'ayah from any gemara). One gadol suggested that the Torah saying תשחית בבל שאינו בבל תקיפו tells you that a woman can give a haircut without any issur to herself, including lifnei iver and safinan!
- IV. See Rema 5** who says a kattan can get a haircut from a goy
- A. **Pischei Teshuva 2** quotes **Beis Efraim** who asks what the nafka minah of this is – if the kattan is asking themselves, then קטן אוכל נבילות anyways, and if you're asking the goy, it's assur due to amirah lenochri anyways.
- V. Avadim** – see **Nimmukei Yosef** that they're not like women because they grow hair. **Rambam** says this as well I think, and SA paskins this way that they're chayav.
- VI. The above RAE** is quoted all over the place in many, many contemporary applications. **Minchas Shlomo 1:35** explains that the whole idea of mesaye'a is that you shouldn't cause/help people to do more aveiros. But if you're causing fewer aveiros, that's the opposite of this aveirah.
- A. **RSZA** argues RAE's uncertainty is that he was uncertain if the person would definitely cut off their peios themselves.
 - B. Interesting application (**R' Zilberstein**): Car alarm is going off. Chiloni says "give me the key or I'm going to call the police." R' Zilberstein says you should try and get a goy. If

not possible though, he says you can allow them to use the key, since otherwise they're going to call the police, and many issurim deoraisah are going to occur.

- C. **RSZA**: If someone is about to drink orlah wine, can you switch it with stam yeinam? RSZA says yes.
- D. The more common application: Giving food to someone you know won't make a bracha. **SA** says that's generally assur in multiple places based on Chulin. But **Rabbeinu Yonah** says it's muttar if he's a poor person and it's tzedaka, and **Rema** accepts this. **MB** accepts **PMG** who says it's only if he's not making the bracha out of ignorance. Poskim in kiruv are matir to give food for this reason.
 - 1. If it's not kiruv. **RSZA 1:35** says it's still muttar since you could cause them to violate issurim of hating Talmidei Chachamim + Torah. You have to look at the big picture.
 - 2. These cases become very complex – inviting non-frum Jews for Shabbos. It's much worse here since then you're causing them to drive and violate deoraisahs. It's a machlokes haposkim – see notes on lifnei iver document.
- E. **Maharsham**: Can't keep a butcher shop open on 9 days since Jews shouldn't eat meat. He says even though they're going to go eat treif otherwise, it's assur. It could be a public pirtzah is much worse than a private one.

Can one give a haircut to a goy or woman?

- VII. **BY** quotes a machlokes: **Nimmukei Yosef** quotes that some were mesupak about this once you say there's an issur makif. He understood that there's an issur makif independent of who the nikaf is. However, he quotes the **Rosh** as thinking that it's muttar, and it's only assur to be makif a kattan since he's אתי לכלל חיוב, but one can give a haircut to a goy or woman lechatchila.
- VIII. However, **Tosfos Nazir** (not quoted by BY) quotes the Rosh's answer but calls it Dochak. He quotes the **Raf** (Rabbeinu Peretz?) that since פאת ראשכם is referring to Jews, the pesukim are only makpid on being makif a Yisrael.
 - A. As such, he leaves it as a צ"ע whether one is allowed to be makif a woman (since she is bichlal yisrael)
- IX. **Lehalacha**, **Rema 5** says it's muttar to give a haircut to both a goy and a woman, although he quotes **Nimmukei Yosef**'s safek. **Shach** notes acharonim aren't worried about this safek.
 - A. See **Gra** though who says that giving a woman a haircut isn't pashut as **Tosfos Nazir** is unsure about this, and **Tosfos Shavuos 3a** assumes Rav Huna would think this is assur, as he says Shmuel must hold like Rav Adda from the fact that he allows an adult male to give a woman a haircut. **R' W.** thought Gra was saying to paskin that way. Nonetheless, a Jewish barber would always have the Rema, and women generally don't cut their hair that short anyway, so it's rarely a shailah.

The Issur Nikkaf

- I. **מכות כ: – תני תנא קמיה דרב חסדא אחד המקיף ואחד הניקף לוקה אמר ליה מאן דאכיל תמרי בארבילא לקי דאמר לך מני רבי יהודה היא דאמר לאו שאין בו מעשה לוקין עליו רבא אומר במקיף לעצמו ודברי הכל רב אשי אומר במסייע ודברי הכל**
 - A. According to first answer, there's a chiddush here that it's a lav to be nikaf. How do we know that from תקיפו?
 - 1. **Rivan** has a few possibilities: It means לא תניחו להקיף or because it's lashon rabim.
 - B. Rava's answer also assumes there's an issur to be nikaf. The chiddush is that there's a ma'aseh makif and nikaf when giving oneself a haircut
 - C. Rav Ashi's answer is mechadesh that we're saying יש בו ממש here. According to this answer, there's the possibility that there's no issur nikkaf. That raises the question whether the answers agree to each other.

- II. Is there an issur nikfaf without being mesaye'a? **Rambam 12:1**¹² only quotes Rav Ashi's answer that a nikfaf gets malkus if he's mesaye'a. **Minchas Chinuch 251:2 + Gilyon Maharsha** ask why he doesn't also quote that you're chayav shtayim for being makif oneself. Their question assumes that there's no machlokes here and that Rav Ashi agrees there's an issur nikfaf. But maybe Rambam thought it *is* a machlokes and there's *no* Issur nikfaf.
- A. **Ra'avad** writes you violate the lav without doing a siyua. Ra'avad clearly holds that even Rav Ashi accepts the first answers' assumption that there's a lav of nikfaf.
1. **Kesef Mishnah** thinks Rambam *disagrees* and thinks there's no lav for nikfaf, and we're not going to say אין שליו לדבר עבירה. [There's also a מתיירין quoted and rejected by Nimmukei Yosef who thinks one can get a haircut from a lav bar chiyuva.] In **BY 4** though, he takes as a davar pashut it's a lav, since **Nimmukei Yosef, Tosfos BM 10b, Ra'avad** and **many others** say this explicitly. He seems to have done an about-face.
 2. **R' W.**: Perhaps Kesef Mishnah was bothered by Gilyon Maharsha's question, and feels that there's no issur to be a nikfaf. You turn into the makif when you're mesaye'a though. The Ra'avad + Rambam then are leshitassam: **Rambam 43** only counts the issur to be makif like komrei AZ, while **Ra'avad there**¹³ is masig that there's two lavin here. It's not muchach that Rambam disagrees though – it could be he's just being kollel both lavin in one mitzvah.
- B. **Lehalacha, SA 4** says that a Nikfaf is chayav if he helps and still violates an issur deoraisah even if he isn't mesaye'a. As such, one can't get a haircut from a goy.
1. **Darkei Teshuva** discusses being meikil to ask a nochri to shave you for kavod habriyos reasons. It might be talui on whether you accept Kesef Mishnah or not, but there's another potential hetter that we're matir issurim בשוא"ת for kavod habriyos. **R' W.** noted that this is a machlokes acharonim, and some think the rule just means we're matir asseh's but not lo sa'assehs.
 2. Practically, when questions like these come up, you can use a shaver rather than a razor to throw in the Rambam as a big senif lehakel.
- III. What counts as mesaye'a here?
- A. See **Nimmukei Yosef** who says turning one's head is mesaye'a (מטה עצמו אליו). **Other Rishonim** say he's מזמין his hairs beforehand. Unclear what that means.
 - B. See **Minchas Chinuch 251:3** who says that it has to be a סיוע that he otherwise wouldn't have been able to do the haircut without the help. **Meiri Beitza 22a** says the same thing.
 - C. See appendix at the end of the document for more on the general issue of מסייע.

Can you allow someone to shave off your beard?

- I. See **Tosfos Rabbeinu Peretz** that it sounds from **Rashbam's** understanding that the issur nikfaf is learned from plural of לא תקיפו would mean that there's no issur of being נשחת by the zaken and it's a din just in פאות הראש בל. However, **Rabbeinu Peretz** rejects this from an explicit Tosefta, and says it must not have to do with plural of word.
- II. See **Tosfos Shavuos 3a** who also says there's an issur to be נשחת (get a haircut) from someone. He thinks this is because it says לא יגלחו in lashon Rabim. [**Rabbeinu Peretz** rejected this possibility since it's not abnormal there]

¹² הואיל וגילח הפאות, לוקה. במה דברים אמורים, באיש המגלח; אבל האיש המתגלח, אינו לוקה אלא אם כן סייע למגלח

¹³ לאו למקיף ולאו לניקף לאו למשחית ולאו לנשחת

Peios Hazaken (Shaving)

Where are the peios hazaken?

- I. There is a vast variety in the pshatim that Rishonim give to where the 5 points of the peios hazaken are:
 - A. **Rivan 20b + 21a** (see above): The peios hazaken are at the point below the ear, and also two points near the chin, as well as one on the chin.
 - B. **Rosh¹⁴ + Nimmukei Yosef** quote three shitos: they all agree two of the points are the connection between jaw and skull, and a third is the chin. The three-way machlokes is if the other 2 are under the ear (like the **Rivan**), by the chin (quoted as shitas **Rashi**, based on **Rashi al HaRif**), or the ends of the mustache (**Rabbeinu Chananel**). Rosh's lashon:
 1. **Ritva 21a** rejects that the mustache is part of the peios, and therefore says one could use a ta'ar on one's mustache, as well as on the neck where the simanim are, and past where the chin bone is. **Rambam 12:8** similarly writes the mustache isn't part of the peios.
 - a) These places are based on the skin that rests on that area – you can't pull the skin in order to change where the peios are in that moment.
 - C. In terms of below the chin:
 1. **Tosfos Shantz** also says muttar be'etzem, but a yarei shamayim should be machmir. **Rambam 12:6** also says chin is muttar, but we're noheg lehachmir to only shave enough to allow for eating.
 2. However, **Tur** quotes **Rabbeinu Chananel** as thinking the area under the neck (בסוף הזקן בגררת) is one of the peios. **BY** thinks this is a misunderstanding, and even **Rabbeinu Chananel** never said this, but **Bach** thinks this pshat is correct, as **Rabbeinu Chananel** writes "שיבולת הזקן מתחת".
 - a) See **Yereim 325** who also seems to say that's one of the peios: 'ואחת מלמטה פי תחת הלחיים סמוך לגרון וירא שמים יצא ידי כולם שכהן צריך להזהר שלא להשחית כל הנראה פיאה
 - D. **Rambam 12:6** has a vague lashon that it's the לחי העליון ולחי התחתון.
 1. **Meiri (Makkos 13a)** explains lechi ha'elyon generally refers to the entire upper jaw (the part that doesn't move, from the top of the mouth and up) while לחי התחתון means the part below that does move. It's unclear whether Rambam thinks the peios include all the hair on these areas (the pashtus) or if he's referring to specific places.
 2. **BY 181:11** says Rambam holds like the shita of "Rashi" as quoted by the Rosh + Nimmukei Yosef that it's the two spots near the chin. This lichorah isn't muchach at all.
 - E. **Rashi Shavuos 3a, Rashi AHT Vayikra 19:27, + Yesh Meforshim in Rosh:**
 1. Just chin and two points by the ear on each side where jaw meets the skull in two places.

¹⁴ ועל הזקן שתיים מכאן ושתיים מכאן ואחת מלמטה פי' ר"ח מקום חבור הלחי לצדעים הוי פיאה וכן מצד אחר וּשְׁנֵי גְבוּלֵי הַשֹּׁפָה אחת מימין השפה ואחת משמאלו ושבולת הזקן מתחת הרי חמש וְרֹשׁ"י פירש מקום חבור הסנטר לעצם ואחת מימין הסנטר ואחת בשמאל שבולת זקן באמצע הרי שלש וחיבור הצדעין מכאן ומכאן הרי חמש וְי"מ שעצם הלחי המחובר לצדעין הוא רחב ויש לו שתי פיאות הרי ד' פיאות במקום חבורן ואחת בשבולת הזקן ובפ"י (מ"ט) דנגעים תנן איזהו הזקן מפרק של לחי עד פיקה של גררת וירא שמים יצא ידי כולם ולא יעביר תער על כל זקנו ולא כאותן המניחין חוט בכל שהוא על הפיאות כי לפעמים אינו מכוון כנגד הפיאות:

- F. **Meiri 13a**¹⁵ thinks the peios hazaken are the bone by the ear, the point of the jaw under the ear, and the chin.
2. **[Meiri 20b]** says something similar but throws in that it's under the eyes. I think this is a typo.
- II. **SA 11** just says that רבו בהם הדעות, so one should be machmir not to use a ta'ar anywhere on their face. **Rema** adds this is true even below the neck. There are three reasons to be machmir this way – **Rabbeinu Yonah** was worried about בגד אשה, **Rabbeinu Tam** who was worried you'd pull on the skin on your chin, and the Tur + Bach learned the **Rach** to think this was actually one of the peios.
- A. **BY + Gra** both vehemently reject this possibility that the pe'ah would go past the chin.
- B. **Gra** rejects Rabbeinu Yonah's issue as well – it's only a problem to cut areas where there isn't so much hair, since that's to beautify, but there's no problem on the beard.
- C. **Rav Willig** was asked by people who couldn't use a shaver on their face. They didn't want to look so scruffy, so they asked if they could use a razor on their neck. The first time **R' W.** heard **Rav Willig** asked this question, he was machmir due to the Rema. Apparently, he was later meikil in a sha'as hadchak. **R' W.** would say to just use the powder. It's a real product and not just for frum Jews.

Misparayim Ke'ein Ta'ar

- I. **Gemara 21a** learns מספריים isn't chayav since it's not השחתה, melaket verihitni isn't chayav since it's a השחתה but not גילוח; only a ta'ar is chayav since it's a גילוח שיש בו השחתה.
- A. Is misparayim muttar lechatchila? Pashut pshat is yes, but **Rambam's** lashon leaves room for uncertainty. In **AZ 12:7**¹⁶, he says one is pattur; sounds like patur aval assur. To strengthen this point, by hakafas peios harosh, he says it's muttar. How come he says patur here then?
1. **Sefer Hachinuch 251** is medayek this way and argues Rambam thinks it's still assur to use misparayim!
2. **Kessef Mishnah** argues he means muttar and is just using the mishnah's lashon, and that's how **SA 10** paskins. It's inconceivable that it should be assur – why should it be worse than פיאות הראש?! SA spells out that one cannot use a תער, but one can use a פיאות הראש on the הזקן מספריים כעין תער, unlike by the פיאות הראש.
- a) **Minchas Chinuch** says it's a kal vechomer in a sense – we're more machmir for peios harosh in certain areas like תער מספרים כעין תער, so why would Rambam be machmir on peios hazaken here?
- b) **R' W.** suggested Sefer Hachinuch might think it's some sort of לא ילבש issue like Rabbeinu Yonah. **Tzemach Tzeddek YD 93** argues exactly this. But that's difficult – vast majority of poskim reject this Sefer Hachinuch and say it's muttar lechatchilah.

¹⁵ ולענין פאה חייב על הראש שתיים אחת מכאן ואחת מכאן ר"ל צידעא אחת מכאן וצידעא אחת מכאן מקומות שמתחבר בהם עצם הגלגולת שבו השער עם הלחי העליון שבו הפנים והאזנים שהם הבליטות שעל האזנים והוא ענין משהו צדעיו לאחורי אזנו... ועל הזקן שתיים מכאן ושתיים מכאן והם חדוד הבולט בלחי העליון ולחי התחתון שבצד ימני וכן שבצד שמאלי ואחת מלמטה בשבלת הזקן ולחי העליון הוא צד הלחי שמן הפה ולמעלה ומקום בליטתו הוא סמוך לאזן כנגד הנקב מצד הפנים ולחי התחתון הוא מן הפה ולמטה ומקום בליטתו הוא תחת האזן נוטה מעט לצד אחוריה

¹⁶ ואינו חייב עד שיגלחנו בתער--שנאמר "ולא תשחית, את פאת זקנך" (ויקרא יט, כז), גילוח שיש בו השחתה; לפיכך אם גילח זקנו במספריים, פטור.

- c) **Tzemach Tzeddek ibid.** says had the BY seen the SHC, he wouldn't have been meikil. He considers Rambam might even mean assur mideoraisah but just no malkus. Some are thus machmir.
- (1) **YO YD 9:10** has a teshuva where he notes many acharonim who were very upset at Tzemach Tzeddek for suggesting to overturn the BY's psak, and noted many kashyas on his shitah that there's a begged ishah problem. **R' Jachter** further notes the Beis Yosef was aware of SHC in general but just quotes him very rarely (he quotes him 3 times in all of Beis Yosef), presumably because he didn't think he was an authoritative halachic source.
- B. **Ritva 21a** has a different issue that it's a middas chassidus not to do תער כעין מספרים due to חשש הרואים.
1. The mainstream psak is certainly that this is muttar lechatchila though.

What's the definition of גילוח/תגלחת?

- I. **Rivan Makkos** says that it means it's the דרך לגלוח with that item.
- A. **Lehoros Nassan 3:60** argues that he had to learn the דרך vort, since he probably learned like Rashi in Kiddushin that a melaket is basically the same thing as a ta'ar (a form of a plane), so he had to say one is normal and one isn't.
- B. If this is the definition, a shaver lichorah fits this nowadays that it's normal (such that it would be assur), unless you're going to say the metzius was nikba in the times of Chazal.
- II. Many other Rishonim, such as the **Rambam + Nimmukei Yosef**, define מלקט ורהיטני, as tweezers of sorts.
- A. **Lehoros Nassan ibid.** Argues they think יש בו גילוח just means that it cuts from the side, unlike a tweezer that plucks out the whole hair. Still, a shaver *would* be considered a גילוח. (This isn't pashut since Rambam in PHM learns that one is a tweezer and one is a plane, but still must understand that neither is a גילוח.)

What is השחתה vs. כעין תער, and are shavers muttar?

- I. As mentioned, the gemara says that גילוח שיש בו השחתה is אסור, and yet SA 10 paskins that מספריים כעין תער מותר. What's the difference between a Ta'ar and מספריים כעין תער that apparently one is השחתה and אסור, and the other isn't השחתה?
- II. **Rivan Makkos 21a**: The difference between a Ta'ar and scissors is that scissors don't cut at the base/root (they're not עיקר בצד תער), so there will be some gap
- A. **Nimmukei Yosef 20b DH** seems to say something similar that מספריים תער עד שיטלנו בתער seems to say something similar that מספריים are OK because שם השיער ניכר. It sounds like not only must there be a gap, but that difference has to be noticeable.
1. With this definition, we'll get into troubles by shavers. A shaver seems to function in a way similar to a scissors – the blade cuts in conjunction with the guard/screen as the hair comes through it.
- a) Norelco's go around in circular motion, while Braun go back in forth in a linear fashion. Although it's scissor-like, it cuts very close to the skin to the point that it's basically indistinguishable from a razor cut.
2. **Terumas Hadeshen** quoted by **Rema 10** says that you have to be careful since you could be using a scissors, but will be violating the definition of ta'ar if the bottom blade cuts by itself, so don't move bottom blade when cutting. Some sort of gap is lichorah the difference, although we could also understand him to mean a difference between cutting with a single blade vs. a scissor-action, as some acharonim say below.
- B. Adding two more Rishonim to the machmir side, it seems the **Rambam + Ritva** would be machmir on this:

1. **Rambam PHM** says a Rehitni is מעיקרו וכורתו את השער וכו'. If so, even a close shave is lichorah hashchasa.
 3. **Ritva 21a** by peios haRosh says that some Rishonim learned Lo Sakif also only assures a ta'ar because you have to be משווה צדעיו to be chayav, and that's the only way to make it that there's still no hair left. Only a ta'ar removes hair entirely.¹⁷ This implies whatever is muttar to do with מספריים does *not* accomplish the same job as a ta'ar, and has nothing to do with scissor-motion. If so, this is another ra'ayah that shavers are assur, since they accomplish the same totza'ah at a razor.]
- III. Is it clear there's another shitah? **Tosfos + Peirush HaRosh in Nazir 40a** at first glance seem like a strong tzad for leniency:
- A. **Shitas HaRosh: Rosh 40a there** it's still considered מעביר כעין תער even when it's "השער." That indicates shavers are all OK. Presumably, as long as it's scissors-like action, it's fine and that's for some reason definitional to it being a hashchasa.
 1. We might say this is also the opinion of **Terumas Hadeshen** and **Ritva in Makkos** who simply say that it's hashchasa if cutting with the bottom blade of a scissor, but not if using the combination of the blades. This isn't muchrach but definitely can be understood along the lines of Tosfos + Rosh.
 - a) So fundamentally, it hinges on whether we say מעביר כעין תער is muttar because scissor-like action is all that matters regardless of the results, or do we think a difference in result is what makes it different from a ta'ar. **Teshuvos Vehanhagos 1:459** spells this out.
 2. However, The **Rosh 58b-59a** makes clear that even מעביר כעין תער doesn't cut the hair at the root, and you can tell the difference between a תער and מעביר כעין תער. Ke'ein Ta'ar with misparayim will by definition leave a gap big enough that you can tell when he used a misparayim to cut it. The implication is that מעביר כעין תער is *not* oker the hair entirely. Probably then, Rosh's comment on 40a that it's "מעביר כל" "השער" is lav davka (he just says it's מעביר כל השער), or to say like the Lehoros Nasan (see below).
 - B. **Shitas HaTosfos:** On **Nazir 39a ד"ה נזיר**, he says a Nazir is חייב when he uses a תער מעביר כעין תער where he's "עוקר השיער ומשחית מן השורש." He uses the same Lashon on **40a ד"ה ובתער**. On **39b ד"ה ת"ר**, he describes it as being קוצץ לגמרי. All that is by the Issur for a nazir to shave. Once again, if that's all we had, we'd say there's a great ra'ayah from the Rosh that מעביר כעין תער means even a perfectly close shave. We'd be forced to say the hetter by misparayim that it's not השחתה must be because a scissor-like motion, i.e. using two blades, is by definition not השחתה.
 1. However, **Tosfos 40b ד"ה דתניא** says the reason מעביר כעין תער is because there's no השחתה since "שאינו נוטל השער מעיקרו ושרשו." It seems like a black on white stirah whether (כעין תער) מעביר כעין תער means even a perfectly close shave, or only when it's not that way! More fundamentally, Tosfos in discussing *our sugya* of shaving (not by a nazir) is clearly מחמיר.
 - C. Both Shevet Halevi and Lehoros Nassan pick up on these stiros. What's נשט in these Rishonim?

¹⁷ חידושי הריטב"א מסכת מכות דף כא עמוד א

ואפשר דנפקא לן לתוספתא האי דינא משום דכיון דהקפה היא השוואת הצדעים ואחורי אזנים ולפדחתו דלא חשיב הא במספריים אלא בגלוח תער, ולפי טעם זה כש"כ דאסור במלקט ורהיטני ולא נקט תער אלא לאפוקי מספרים דשרי

1. **Lehoros Nassan 3:61 + Shevet Halevi 4:96** both argue **Rosh + Tosfos on 40a** aren't discussing the general issue of shaving – they're only in that discussion by Nazir and their comments aren't relevant for our sugya. He argues (as does **Shevet Halevi 4:96**) that Tosfos say כעין תער is mashchis/oker only because they aren't talking about scissors but other creams etc. that are a problem even for a nazir. In that context, it's כעין תער despite that it is oker because it works completely differently than a תער. But when dealing with scissors which are already cutting like a ta'ar, if you cut so close to the skin, that's תער ממש, and it's כעין תער only when it cuts less deep than an actual תער.
2. Alternatively, you could say Tosfos + Rosh would assur misparayim ke'ein ta'ar, and are saying only כעין תער שלא מספריים מותר. Although **Tosfos Shvuos 2b** is matir, maybe it's a machlokes in Tosfos. Tosfos there might have been discussing כעין תער that's not mashchis, while Tosfos Nazir thinks it is mashchis and thus assur.
3. **[Sha'ul Sha'al (quoted by Lehoros Nasan)]** has another mehalech that אה"נ it's muttar to uproot the hair with misparayim, but that's because it's not the derech, and not because it's not mashchis. In other words, there's a heter by כעין תער מספריים because it's not a תגלחת, but it is a השחתה. [This doesn't really deal with the stirah, but is just another mehalech.] If so, that should also assur shavers because it is the derech nowadays. Unless you say that the metzius was established in Chazal's time.
 - a) See **Sifra Kedoshim 3:6:4** though that seems to say כעין תער מספריים is muttar specifically because it's not mashchis.
 - b) All three mehalchim would assur shavers provided a shaver cuts at the root!
 - c) Does that mean shavers are assur? Not necessarily. Why? It's true we have no ra'ayah that cutting at the root is muttar (besides the Prishah, but there's no rishonim this way), but it's still possible to say that a shaver doesn't really cut at the root. Even the best shavers aren't quite as good as a razor. **R' Jachter** found out that although the skin does penetrate to some degree the gaps of the foil, it doesn't fully penetrate; it takes place a little further from the root. So you can still say there's a tiny gap. It's not great though since it's microscopic and mostly indiscernible. Maybe you can discern it.
 - (1) One could still argue that anything with a scissor-like action is muttar automatically, as **Rav Moshe** mentioned. We thought this sevara emerged from Tosfos + Rosh, but we're being chozer on that. מדידי ספיקא לא נפקא.
- IV. **Some** argue it's a machlokes in acharonim. **Shach** says כעין תער means you cut סמוך לבשר – maybe he means not touching the בשר itself is still אסור (not muchrach). In contrast, **Prisha 3** clearly thinks it's muttar even when it makes the skin completely smooth (חלק לגמרי). If so, it's not pashut to be meikil on a deoraisah shailah.
 - A. However, it's not so clear. The tricky part is that in their times, they didn't have a nafka mina, so acharonim probably didn't think this was a machlokes. The **Chochmas Adam 89:16** puts both interpretations one next to the other as though there's no argument. Similarly, **Beur Halacha 251:2** quotes Shach's lashon, which is significant. However, he also says if you leave קצת מן הקצת, it's no longer כעין תער, seemingly like the prishah. The invention of the shaver sort of forced us to see it as a machlokes. But even that's not so pashut since according to this, Tosfos + Rosh clearly thought something could exist that cuts very close to the skin, and they still say it's מותר!
- V. Thus, **Rivan, Nimmukei Yosef, Rambam + Ritva** are all Rishonim who would presumably say a shaver is assur, and we have no rishonim who are compelling proofs for heter.
 - A. [See below that Divrei Yatziv + The Rav thought that the fact that there was a screen meant that there's a bit of a gap between the skin and blades so is mimeilah muttar. I

don't think any of the above Rishonim would agree with that hagdara, besides for maybe the Rivan. Everyone else would say even this is assur.]

- B. More fundamentally, how does the idea that השחתה requires a scissor-motion/two blades fit with the sugya at all? The Rishonim (besides **Rashi in Kiddushin**) explain that a Melaket/Rehitni includes a tweezer, and the gemara says that constitutes a hashchasa (although not a gilul'ach) even though there's no single blade motion. If using one blade is definitional, shouldn't this not be a hashchasa? This seems to support that hashchasa is about how deep of a cut it is, and certainly not the two-blade idea.

1. The only way I can understand how you could maintain Rav Moshe's pshat is if you said that Chazal somehow learned that *only* a ta'ar is chayav and not anything else, because that was the only item in their times that could do a השחתה גילוח שיש בו השחתה, and for some reason we don't have the ability to add to that list. Then, although a shaver is misparayim ke'ein ta'ar, it's still muttar since it's not a ta'ar.

- VI. **Rav Belsky** argues that **Tosfos + Tosfos HaRosh Yevamos 5a DH** שכן assumes that a גלוח כעין תער is able to cut identically to a תער, as they understand that shaving is an איסור קל because of the fact that one is allowed to do it כעין תער. Rav Belsky understands that this reasoning would be fallacious if a scissors shave could never produce the exact result accomplished with a true razor shave. As such, you see that מספרים כעין תער produces exactly the same result as a razor shave, and that it is still permitted, by dint of the fact that it's fundamentally misparayim (two blades). Consequently, the claim that מספרים כעין תער must produce a different result from a razor is incorrect.

- A. One could be docheh by saying Tosfos thinks it's an issur kal simply because כעין תער is *similar* to a ta'ar. Alternatively, even if **Tosfos + Rosh** are unclear, you still have many Rishonim who clearly are cholek.

- VII. R' Jachter's argument after we spoke is that basically that it's unclear in the Rishonim, but that the Acharonim seem pretty clear. He notes the **Chochmas Adam 89:16¹⁸**, **Kitzur SA 170:1**, **Be'ur Halacha 251:2¹⁹** + **ARUH Ha'asid Nazir 15:8-9** imply that מספרים כעין תער leaves literally nothing, just like our shavers. If so, if we take an acharon-focused approach, shavers should be muttar.

- A. [He told a great story that a shailah was sent to both Maharsham and Reb Chaim – the **Maharsham** said, “the gemara's a bit unclear, but PMG says it's muttar, so no problem;” while **Reb Chaim** said, “The PMG says it's muttar, but the gemara is really unclear, so I don't think you can be meikil.” It seems to be a question of whether you look at the Rishonim or Acharonim to determine the halacha on this one.]

Acharonim on electric Shavers

- I. (All the below is based on Rav Jachter's book;)

- II. **Meikil entirely** on classic electric shavers (some are machmir on lift-and-cut, etc., but as we'll note below, this is really irrelevant):

¹⁸ במספרים אם הוא כעין תער דהיינו שמגלח סמוך לבשר ולא משייר כלום מן השערות סמוך לבשר

ובעו"ה מצוי שמעבירין את הפאות עד סמוך לבשר ממש ואין משיירין כלל ויש בזה חשש דאורייתא והיה להם ¹⁹ קצת מן הקצת מן הקצת (he's discussing peios haRosh – the diyuk is that even less than מספרים כעין תער would be).

Chofetz Chaim's position seems contradicted by a kuntress called **תפארת אדם** he put out where he forcefully talks about how the “Mashinka” is probably an issur deoraisah. This is the ra'ayah many (such as R' Elyashiv) bring that he thought shavers were assur. However, he published it in 1893, 30 years before electric shavers hit the market. As such, it seems that he was discussing something else – possibly a straight-edge razor, which negates the ra'ayah from there.

- A. **Rav Moshe** as quoted by many students (**Rav Belsky + Rav Heinemann**) as meikil entirely. In fact, he wouldn't give a haskama to someone who wrote a sefer saying it's assur. He thought any time there were two blades involved, it was muttar.
 - 1. He apparently never wrote a teshuva on the topic because he thought the tzurah of a Jew was to be with a beard, so didn't want to make it look like an endorsement.
 - 2. R' Shuriken in Megged Givos Olam quotes Rav Moshe as saying he thought it was so pashut that there's as much a tzad to be machmir against using a shaver as there's a tzad to be machmir not to cut a challah on Shabbos because of Kotzer.
- B. **Rav Belsky in Shulchan Halevi 126-127**. See above for his argument based on Tosfos Yevamos 5b.
- C. **Rav Soloveitchik** quoted by Rav Schachter + many others thought it was muttar. **Rav Schachter (in shaving shiur)** explains that shavers have been assumed to be muttar simply because there's a screen which automatically means it must not be cutting directly against the skin, unlike a razor.
- D. **Divrei Yatziv YD 61** (gives Rav Schachter's explanation). See above for why I don't think this is compelling.
- E. **Har Tzvi YD 143**
- F. **R' Yosef Henkin (Kisvei HaR' Henkin 1:145)**
- G. **Rav Kook (Orach Mishpat OC 128:53)** seems to have thought muttar, but thought it was ראוי to leave a bit of facial hair.
- H. **R' Shabsi Rappaport (in Techumin 13)** – Have to accept כתב והקבלה מספרים that מספרים כעין תער is defined as any scissor-like action that cuts one hair at a time, and ta'ar cuts large parts of the face at a time. As such, shavers are muttar since they focus on one hair at a time. He thinks the other Rishonim agree to this, and their descriptions of מספרים being higher up are סימנים of normal scissor action, but not definitional. Very dachuk.

III. Assur/machmir

- A. **Chazon Ish** as quoted in **Orchos Rabbeinu**. He and **Steipler** were very against people shaving their beards.
- B. **Rav Vosner in Shevet Halevi 4:96**. See above that he notes **Tosfos Nazir 40b** says a מספרים isn't hashchasa because it's נֹטֵל מעיקרו. He says that takes away the proof that Tosfos thinks כעין תער allows even a cut below the skin (like he sounds to be saying on **40a**) and argues the **Lehoros Nassan's** understanding is correct.
 - 1. See there that he also notes **Chasam Sofer OC 154** spells out that if you had a מספרים that cut so close that it was like a Ta'ar, then it has the din of a תער ממש, and not כעין תער.
- C. **Chafetz Chayim in Likkutei Halachos to Makkos 3** (although this is probably untrue – see above for Chofetz Chaim's opinion and the fn. There.)
- D. **Rav Elyashiv in Kovetz Teshuvos 1:32** based on Chafetz Chayim's psak
- E. **Minchas Yitzchak 4:113**
- F. **Lehoros Nasan 3:60-62** thinks it's a machlokes Rishonim, and one should be machmir on a deoraisah shailah.
- G. **Teshuvos Vehanhagos 1:459** out of safek

IV. Uncertain:

- A. **RSZA 2:97:6²⁰** is found only in printed edition (not found on Bar Ilan): He says it's a really tough question and thinks it depends on whether it cuts at the very base of the skin. However, he assumes the hair is pulled up (like Gillete website spells out) and then the hair is cut after being pushed out. He wonders whether we follow the moment of cutting, or the result that it looks smooth.
- B. <https://www.zomet.org.il/?CategoryID=198&ArticleID=218&Page=1> – **R' Rosen** argues that video shows that shavers actually cut a moment before the hair is pressed against the screen. As such, he says on a microscopic level, there's reason to argue that it's a ta'ar (they have video of this on the tzomet website). However, since we generally don't follow microscopic metzius, there's reason to argue all shavers would be muttar, since the fact that it only cuts when you have a reshers and a blade implies it's like scissors.
1. The images he used are very granular and hard to assess, but **R' Jachter (fn. 82)** argued he misinterpreted them. He then got high-speed footage from more recent devices, and it's clear the hair is only cut due to the scissor like action. He showed these to us, and this seems correct; however, in the video he has, the hair being cut seems to be held, rather than coming from someone's skin, so not entirely clear.
- C. **Rav Ya'akov Kaminetsky (Emes L'yaakov p. 220)**: he insists there's a lot of room to be machmir.
- V. Compromise View:
- A. **Chelkas Ya'akov YD 90 + Rav Ovadiah YO YD 9:10** say one shouldn't press the shaver against the skin so that a thin layer of facial hair will remain.
1. **Dayan Weiss** notes how this is very difficult to accomplish in practice, and how can you make sure you aren't pressing?
 2. **Rav Jachter p. 44** notes that this is one of the places where Rav Ovadiah's rulings have not been accepted in the Sefardic community, and Sefardim in America are still meikil on this due to a slew of other Sefardic poskim.
- B. **Halichos Shlomo 2:7 note 34** quotes **RSZA** as accepting this compromise view that you can shave as long as one can discern that some hair is left behind.

Lift and Cut makes no difference

- I. **Some** were concerned about Lift-and-Cut Shavers that they function in a razor-like fashion. If you believe the claim of lift and cut, that means it lifts the hair up, and then cuts with the blade at the root. That would mean it's really a razor. **Tzomet institute** did some research into this topic and concluded it's not true. R' Rosen went to Holland factory, and they provided him a video of how it works. All shavers on the market don't really do this. They have ne'emanus like an uman – they did this research for their own research. That article, with pictures and video demonstrating none of this is true, can be found here: <https://www.zomet.org.il/?CategoryID=198&ArticleID=218&Page=1>
- A. **Rav Jachter** showed us an even more updated video, and it clearly still relies on scissor-motion
- II. **Rav Willig** therefore says they're either all assur or they're all muttar. Lift and Cut is meaningless. He probably thinks they're all muttar, but he's not excited to say that.

²⁰ תשו' מנחת שלמה (ח"ב סי' צ"ז אות ו') - אך טעמא דמספקא לי הא מלתא הוא מפני שבאמת חלוק טובא מתער כי התער מוריד ממש את כל השער שבולט מהבשר ואילו במכונת גלוח מוכרח תמיד להשאר משהו ומה שנראה חלק כמו בתער הוא משום דדרך של מכונת גלוח להוציא חלק מהשער שטמון בתוך הבשר וכו' לחוץ, ומאותו השער שפיר נשאר מקצת בשער הגלוח אלא שאח"כ הוא חוזר ונכנס לתוך הבשר, ולכן נראה הבשר חלוק כמו בתער. ומספקא לי טובא מי אזלינן בתר סוף שנעשה ממש חלק כמו בתער או בת שעת גילוח בהיה שעתא הרי נשאר מקצת מהשער בחוץ ולא דמי לתער דבשעה שמגלח הוא מוריד ממש כל השער ולכן איני יודע להורות בזה לא להיתר ולא לאיסור

Tests to see how close a shaver cuts

- I. There's an ink-test attributed to Chazon Ish, which Rav Willig apparently uses, that if ink is put on one's skin, if the shaver doesn't remove it, it's muttar. However, R' W. thinks ink test doesn't seem to make any sense, since an actual razor doesn't seem to have any effect on the ink.
 - A. Tzomet institute uses a cucumber test (a razor peels it, but shaver does not) to accomplish the same goal. Although this chiluk *does* take place on a cucumber, R' W. didn't understand why that made any sense as evidence. A shaver pulls the skin in the gaps of the foil, and the skin does enter the foil a bit, and that doesn't happen with a cucumber skin which isn't flexible, so it's unclear why either test is compelling.

Older Eitzos for shaving face:

- I. **NB 2:YD:80**: The sho'el suggested that if you first cut your hairs with scissors in a permissible way, then maybe you could use a ta'ar afterwards, since it's no longer considered a hair! [This argument was advanced by **Shu"t Besamim Rosh 18** who says it's muttar.] **Pischei Teshuva 4** quotes **NB** who thinks it's wrong, but even if it's right, it's a bad idea since you might mess it up, or people might not listen, and then they'd be violating issurim deoraisah.
 - A. **Chasam Sofer OC 154** says that **NB** allowed for people to shave on chol hamoed since he really didn't think the sho'el was wrong. By being meikil on this, they might not be doing an issur deoraisah of cutting off the peios when they'd later use a razor since they won't have grown that long.
- II. **Pischei Teshuva** quotes **NB** as saying that one can use a סם since it's not considered תגלחת. He shows this is explicit in the **Ritva**, as well.
- III. Using one's hands: **Aruch Laner**: Mesupak if you pull it out with your hands. He concludes Rabbanan would be matir like melaket verihatni. [Note that this is assur by the peios harosh since we're machmir for any sort of hakafa]

Appendix on Mesaye'a

- I. **Ritva Makkos 20b²¹** discusses whether mesaye'a is relevant to all issurim that you can't be mesaye'a, but only applies when you do a סיוע גדול (first pshat), or that this applies only here and other cases where there's already a pre-existing lav (of ניקף or the like) and we just need the סיוע to turn that lav into a חיוב malkus. He's dealing with a contradiction between our gemara and **Beitza 22a**, which says a person can have a non-Jew put כחל in their eye even though they need to open and close it, since "מסייע אין בו ממש". To spell out his answers:
 - A. The first is that it's normal to have your eye open a little bit at least. To keep it open all the way is not sufficient mesaye'a. But if you're mesaye'a gadol, then that's yesh bo mamash. That's like the answer of the Taz we'll see shortly. Basically, there's no distinction between Shabbos + Makif, and it's just a question of how much you're helping.
 - B. Second answer beshem **Yad Rama** is that there's already a limud that nikfaf is chayav, and now you need a much smaller ma'aseh just to turn it into a מעשה, but

²¹ במסייע ודברי הכל. פירש"י ז"ל שמזמין לו השערות, ואיכא דקשיא ליה הא דאמרינן במס' יו"ט (ביצה כ"ב א') לענין מיכחל כותי לישראל ביו"ט וישראל עמיץ ופתח דמסייע אין בו ממש, ולא קשיא, שאין כל המסייעין שוין דמסייע דהתם אין בו ממש שדרך העין למעמץ ומפתח קצת אבל הכא סיוע גדול הוא כשמזמין לו עצמו בשער, וכש"כ לפירוש רבינו מאיר ז"ל שכתבנו לעיל דבלאו מסייע יש בו לאו ולא בענין סיוע אלא כדי שיהא בו מעשה ללקות עליו, דבמעשה כל דהוא סגי להא, כדאמרינן בעלמא עקימת פיו או עקימת קומה הוי מעשה, וכן פירש הוא ז"ל.

it's not sufficient to give you the issur of being makif. That's basically the answer of the Nekuddas Hakessef in Niddah.

1. The two answers basically correspond to the Taz + Shach in Niddah there.
2. The **Taz's** answer himself is that you started with open eyes. The siyu'a is to keep them open, which is insignificant, unlike the Nikkaf that he's מזמין לו שער (unclear what that means). You have to do something before the ma'aseh occurs.
 - a) The nafka minah of that particular **Taz** is whether a woman who forgot to cut her nails should just clean them, or should ask a nochri to cut her nails. Taz thinks you should clean rather than ask nochri because besides the amirah lenochri, you'd be violating an issur deoraisah when you're mesaye'a. **Nekuddas Hakessef** disagrees and thinks it's a מצוה במקום מצוה, and there's no issue of mesaye'a there, and it's a local issue to nikfaf. Although the **Chacham Tzvi 82** sides with Taz, The minhag is like this **Shach/Nekuddas Hakessef** as most poskim say that way (see **Sidrei Tahara** there). **MB** paskins this way in Siman 340, and that's what's done (even without a shinui).

C. Other answers:

1. **Shitah Mekubetzes Beitza 22a** answers that it's not מוכחא מילתא that you're being mesaye'a, since you always open and close your eye.
 - a) It's perplexing – why is it talui in appearance? **RAE OC 328** deals with this on MA 16. **R' W.** said he didn't understand the shitah.
2. **Meiri 22a**: In Beitza, it's possible to do without the mesaye'a's help, but not in Makkos. Alternatively, Mesaye'a ein bo mamash in Beitza only because (the whole din is a concern mid'erabanan and) there's tza'ar.
3. **Taz OC 328:1** is mechalek between whether you did the siyu'a before the other person started doing the ma'aseh (assur/chayav), or if you were only mesaye'a once the person already started doing the ma'aseh.

II. Any evidence to Taz or Shach?

- A. SA YD 180** says (based on **Rambam**) if you give a tattoo to someone, if they're mesaye'a, we say the one who receives the tattoo is chayav. That works well for the Taz, but how did Shach understand this?
1. **BY** thinks Rambam made up this din, but **Gra** thinks it's based on **Tosefta Makkos 3:7-9**. We actually have a big problem for Shach – the Tosefta teaches that you're chayav on many different issurim (korchah, soret seritah, ka'aka, hakafas harosh + zakan); both parties are chayav if both are meizid.
 2. Taz will say ה'ב"ע, when you're mesaye'a. For the Shach, it's very shver, and Rambam paskins this way! So what's the answer?
 - a) Maybe you'll say there's a gzeiras hakasuv here also. Maybe any time it's in plural and singular in the rest of the pasuk, the diyuk wouldn't work there, since they're plural without any singular. We could probably come up with a gzeiras hakasuv though for some of the other interpretations.
 3. But the **Tosefta** then says that by putting Kila'im on someone and metameh a nazir (or kohen), the nitmah and nilbash are chayav, while the metameh and malbish are pattur. You see the person who becomes tamei or wears the begged is considered to have done the ma'aseh and he's chayav, presumably because he's mesaye'a. And the **Rambam** paskins most of these dinnim! In **AZ 12:11 + 16**, he paskins it by soret seritah + korchah. He also paskins something similar by **end of hilchos Killaim + Avel 3:5**! [See inside – **Rambam** has a strange psak that doesn't conform to the Tosefta as we have it, but rather gives malkus to either the malbish/metameh

or the nilbash/nitma depending on whether the nitmah/nilbash was meizid²² – not sure you can bring a ra'ayah from there. However, **Rosh** paskins the Tosefta as above.]

- a) The **Kesef Mishnah** (Kilaim, Avel, elsewhere) tries to answer in a couple places that there's some gzeiras hakasuv in each place. Meaning, you could just say some have gzeiras hakasuv and some don't. It's difficult though because מהיכי / תיתי / how did the Tosefta know this?
- B. How did Shach understand all these dinim? **R' W.** thought of something inspired by Tzafnas Pane'ach, as did **Aaron Brooks** from something in Minchas Chinuch. Their answer: Have to be mechalek between an issur totza'ah and issur ma'aseh: By the nitmah and nilbash where only they're chayav, it's fundamentally an issur on the one wearing kila'im or to become tamei. It's an issur totza'ah. [The **Reshimos Shiurim Yevamos 5** has a pshat to explain the Rambam to fundamentally understand this way as well.] When it comes to peios zakan, seritah, etc., the **Tosefta** says the makif is also chayav, because it's an issur ma'aseh, as well as an issur totza'ah, so both are chayav. *(We spoke to R' W. afterwards and he clarified that this may be because there's some sort of limud like Kesef Mishnah says, or some other fundamental way of knowing that there's an issur on both the "makkif" and "nikkaf" by these cases as well.)*
 1. However, by Shabbos, it's clearly only an issur ma'aseh, and not an issur totza'ah. At worst, it's a lifnei iver shailah. But there's no problem with having melacha being done on you fundamentally. You just can't do melacha. **Shach** doesn't really sound this way, but that seems to be how Minchas Chinuch on our mitzvah understands it.

²² רמב"ם הלכות אבל פרק ג

המטמא את הכהן, אם היו שניהם מזידין הרי הכהן לוקה וזה שטמאו עובר על ולפני עור לא תתן מכשול, היה הכהן שוגג וזה שטמאו מזיד הרי זה שטמאו לוקה.

רמב"ם הלכות כלאים פרק י

(קמח) המלביש (קמט) את חבירו כלאים אם היה הלוּבש מזיד (קנ) הלוּבש לוקה והמלביש (קנא) עובר משום ולפני עור לא תתן מכשול, ואם לא ידע הלוּבש שהבגד הוא כלאים והיה המלביש מזיד (קנב) המלביש לוקה והלוּבש פטור.