

# Laws of Idolatry Chapter Twelve (Auto Translated)

English

Auto Translated

## Shiur Overview

### Summary of Shiur – Rambam Hilchos Avodah Zarah Chapter 12

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#### General Introduction to the Chapter

##### The Chapter's Place in Hilchos Avodah Zarah – A Chiddush of the Rambam

The Rambam at the beginning of Hilchos Avodah Zarah enumerated 51 mitzvos that are connected to avodah zarah. The last several mitzvos – pe'os harosh, pe'os hazakan, lo silbash (wearing clothing of the opposite gender), kesoves ka'aka, seritah lenefesh, korchah – are all mitzvos that the Rambam holds their reason or definition is connected to minhagei avodah zarah, although they are not actually avodah zarah itself.

**Chiddush:** All these mitzvos have to do with the body and clothing – "se'aram ulvusham" – which corresponds with the Rambam's distinction in Chapter 11 regarding chukos hagoy, where he distinguished between two types of chukos hagoy, and one of them is "bese'aram ulvusham."

**Chiddush regarding ta'amei hamitzvos:** This connects to the Rambam's general approach that one must always understand ta'amei hamitzvos. Other Rishonim hold that not every mitzvah requires knowing which category it belongs to, but the Rambam requires that everything fit into a system. The Rambam said in other places that if a person doesn't have a clear vision of the world, he easily falls into avodah zarah – the same principle applies to appearance and clothing.

**Chiddush – Levels of Avodah Zarah:** There is a question whether the Rambam would say that yehareg ve'al ya'avur applies to all 51 mitzvos of avodah zarah. The conclusion is that the Rambam holds there are levels – actual avodah zarah (making an idol) and further things that are still in the category but not on the same level. One doesn't believe that one must be moser nefesh for all 51 mitzvos. It's compared to giluy arayos, where the Rambam also has abizirayhu-issurim (like looking at a woman) but that's only derabbanan, a new gezerah – not the same as the main issur.

##### The Rambam's Approach: A Jew's Appearance Belongs to Avodah Zarah

**Chiddush:** The Rambam said in Chapter 11: "**Keshem sheYisrael muvdalim min hagoyim bede'osam uvemidosam, kach tzrichim lihiyos muvdalim bimalbusheihem uvish'ar ma'aseihem.**" This means that the physical appearance of a Jew – beard, pe'os – is not just another mitzvah, but a fundamental part of what makes a Jew different from ovdei avodah zarah. The Rambam says it almost explicitly in Sefer HaMitzvos that a Jew should go with a beard.

This corresponds with the Midrash that the Jews in Egypt distinguished themselves through "shem, lashon, malbush" – the appearance and clothing are part of the havdalah from avodah zarah.

**Nuance:** Lemaaseh, the issur is only with a ta'ar (cutting off completely), and one can find a heter without a ta'ar. But the Rambam's fundamental approach is that the Jewish form, the opposite of avodah zarah, is that he goes with a beard. By pe'os it's a bit less – it just means not doing like the goyim, not cutting that way, but not necessarily long pe'os.

#### A Question About Ta'amei HaMitzvos

If one wants to understand ta'amei hamitzvos according to the Rambam, it's not enough to say "it was exactly the custom of the goyim." One must understand why the goyim did it that way – what is the deeper reason why the komarim cut that way specifically. This remains an open question.

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#### Halachah 1 – Pe'os HaRosh: The Main Issur

**The Rambam's Words: "Echad hamegalei'ach pe'as rosho... kemo she'hayu osin ovdei avodah zarah vechumreihem, shene'emar lo sakifu pe'as roshechem."**

**Peshat:** One may not cut off the corners (pe'os) of the head, as the ovdei avodah zarah and their komarim used to do.

#### Chiyuv on Each Pe'ah Separately

**The Rambam's Words: "Vechayav al kol pe'ah ufe'ah. Lefikach hamegalei'ach shnei tzedadav shel echad, afilu beha'elem echad vehasra'ah achas, lokeh shtayim."**

**Peshat:** Because the pasuk says "pe'as" in singular form, each pe'ah is a separate lav, and one receives two malkiyos for both sides even beha'elem echad.

#### Megalei'ach Pe'os Bilvad vs. Megalei'ach Kol HaRosh

**The Rambam's Words: "Echad hamegalei'ach pe'os bilvad umani'ach se'ar kol harosh... [ve'echad hamegalei'ach kol harosh]"**

**Chiddush:** The custom of the komarim was specifically to cut around and leave the middle (a bloris). When someone is megalei'ach only the pe'os and leaves the rest, he looks exactly like the galachim – then he violates "lo sakifu" and also "uvechukoseihem lo selechu." When someone is megalei'ach the entire head, he no longer looks like the galachim, but he has done the action of cutting off the pe'os – therefore he violates "lo sakifu."

**Chiddush – The Torah picked out pe'os harosh from the entire design of the galachim:** From the entire "design" of the komarim, the Torah specifically extracted the matter of pe'os harosh as the main issur.

#### Megalei'ach vs. Misgalei'ach – The Action vs. The Result

**The Rambam's Words: "Umdivreichem lamadnu she'ein issur ela bimegalei'ach, aval hamisgalei'ach eino lokeh ela im ken siya lemegalei'ach."**

**Peshat:** The main issur is on the megalei'ach (the barber), not on the misgalei'ach (the one being shaved). The misgalei'ach is

only chayav if he was mesaye'a (he turns his head, etc.). The Rambam paskens like Rav Ashi.

**Chiddush:** This is somewhat contradictory to the general principle brought earlier – that the main thing is how you look (wearing the avodah zarah design), not the action of shaving. Lemaaseh, however, the Torah was particular about the action of being "makif" – the cutting itself. This is compared to making an idol, where also the action of making is forbidden, not just the holding.

**Megalei'ach Es HaKatan**

**The Rambam's Words: "Vehamegalei'ach es hakatan lokeh."**

**Chiddush:** Because the issur is on the action (not on the understanding/intellect), the gadol who shaves the katan is chayav malkiyos. If the issur were about understanding, one would be patur because a katan doesn't yet have aveiros.

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**Halachah – Ishah SheGilchah Pe'as Rosho Shel Ish: Peturah**

**The Rambam's Words: "Ishah shegilchah peturah, shene'emar 'lo sakifu pe'as roshechem', uvegalacham se'arasam ne'emar 'lo yakrechu korchah berosham'."**

**Peshat:** A woman who shaved pe'os harosh (whether her own or someone else's) is patur from malkiyos. The source is the derasha "kol sheyeshno beval tashchis yeshno beval sakif" – whoever has a beard (bal tashchis) is obligated in bal sakif, and a woman doesn't have a beard, so she is excluded from both.

**Chiddushim:**

1. **The Distinction Between Eved and Ishah:** An eved is indeed chayav in bal sakif, although he has a din like a woman regarding mitzvos. The answer: The exemption of a woman is not a general exemption from mitzvos (like mitzvas asech shehazman grama), but an exemption that is bound in the body – a woman doesn't have a beard. An eved, who is "a type of woman who does have a beard," is therefore indeed chayav, because for him the physical condition is fulfilled. This is a distinction between an essential exemption (like mitzvas asech shehazman grama, where eved = islah) and a physical exemption (where eved ≠ islah).

2. **Question on the Reason of Bal Tashchis by Women:** If the reason for bal sakif/tashchis is connected to avodah zarah (as the Rambam explained earlier), why should women be patur? The derasha "kol sheyeshno beval tashchis yeshno beval sakif" is a technical teaching, but according to the reason (avodah zarah) it's difficult to understand the exemption. Perhaps by avodah zarah it was also only by men, but the Rambam doesn't say so.

3. **[Digression: The Words "Galach" and "Komer"]:** The word "galach" comes from gilvach (shaving), because the kemarim used to go shaven. A Jew who shaves is called "megalei'ach" (not "galach"). The word "komer" in Chazal and Rambam is the term for a gentile priest, and it's connected to "kemarurim al libavi" – a lashon of marah shechorah.

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**Halachah – The General Rule of Women in Mitzvos: Lo Sa'aseh and Aseh**

**The Rambam's Words: "Kol mitzvas lo sa'aseh shebaTorah echad anashim ve'echad nashim**

**chayavin, chutz mibal sakif uval tashchis uval yitama kohen lamesim. Vechol mitzvas asech shehi mizman lizman ve'einah tedirah nashim peturos, chutz mikidush hayom va'achilas matzah beleil haPesach va'achilas haPesach ushechitaso vehakhel vesimchah."**

**Peshat:** Women are obligated in all lavin except for three (bal sakif, bal tashchis, bal yitama lamesim – a kohenes is permitted to become tamei). By mitzvas asech: mitzvas shehazman grama women are patur, except for kiddush, matzah, Pesach, hakhel, simchah.

**Chiddushim:**

1. **The Place of This Rule in the Rambam:** This is the only place in all of Sefer HaMada (and perhaps in the entire Rambam) where the Rambam sets down the general rule of nashim bemitzvos – a rule that comes from a Mishnah in Kiddushin. There is no such rule elsewhere in the Rambam as a rule for all mitzvos.

2. **First Time in Sefer HaMada:** This is the first time in this sefer that the Rambam explicitly mentions that a woman is excluded from a mitzvah. Earlier (Hilchos Talmud Torah Chapter 1) it stated that nashim are patur from Talmud Torah, but there it was more in the context of learning, not a general rule.

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**Halachah – Tumtum and Androginus**

**The Rambam's Words: "Harei eilu safek, nohagim bahen chumrei ha'ish vechumrei ha'ishah bechol makom. Ve'im avru einan lokin."**

**Peshat:** A tumtum (doubtful whether man or woman) and androginus (has signs of both) – we follow the stringencies of both. They are obligated in all mitzvos (chumrei ish), but also in chumrei islah (like kisui rosh). But if they transgress, they don't receive malkiyos, because it's a safek.

**Chiddushim:**

1. **Chumrei Ha'ishah – What Does This Mean?** For example, kisui rosh (covering the hair), tznius (modesty laws). The tumtum/androginus must wear both tefillin (chumrei ish) and kisui rosh (chumrei islah).

2. **Sfeika De'oraisa Lechumra – Not Min HaTorah:** The Rambam says they don't receive malkiyos because they are a safek. This is proof that the Rambam holds that sfeika de'oraisa lechumra is not min haTorah (but rather miderabbanan). Because if it were min haTorah, they could receive malkiyos. The chiyuv is "al tzad hasafek" – a derabbanan stringency.

3. **Women and Malkiyos:** Women can indeed receive malkiyos for things they are certainly obligated in. The tumtum/androginus doesn't receive malkiyos only because he/she is a safek, not because he/she is a woman.

4. **Practical Difficulty of Chumra Dezeh Vezeh by Lo Yilbash:** The **Ba'al HaLevush** asks a strong question: By a tumtum/androginus, who is doubtful whether man or woman, one must follow chumra dezech vezeh – he may not dress as a man (perhaps he's a woman) and not as a woman (perhaps he's a man). But **how can one practically fulfill this?** He must have a **third type of clothing** – a "malbush tumtum" – because every other option is an issur de'oraisa from one side. The Rambam's approach is that it must be clear that **he**

**is a type unto himself** — a tumtum/androgynus, neither man nor woman.

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**Halachah – Ishah Asurah Legalei'ach Pe'as Rosh Shel Zachar: Lifnei Iver**

**The Rambam's Words: "Afilu ishah muteres legalei'ach pe'as roshah, aval asurah legalei'ach pe'as rosho shel zachar, afilu katan asur legalei'ach lo."**

**Peshat:** Although a woman is patur from bal sakif on herself, she may not be megalei'ach a man's pe'os, because that is "lifnei iver lo siten michshol." Even a katan she may not be megalei'ach.

**Chiddushim:**

1. **Patur vs. Asur:** Earlier the Rambam said "peturah" — this means patur from malkiyos. But here it's clarified that "patur" doesn't mean "mutar" — she may not be megalei'ach a man's pe'os, because it's forbidden from the side of lifnei iver.

2. **Ra'avad's Dispute:** The Ra'avad argues with the Rambam regarding a woman who shaves a man's pe'os — the Ra'avad thinks it's only miderabbanan, not lifnei iver de'oraisa. The Rambam, however, makes it an actual issur.

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**Halachah – Shiur Pe'ah: Forty Hairs**

**The Rambam's Words: "Pe'ah zo shemani'chin betzido, lo nasnu vah chachamim shiur. Shamanu mizkenenu — mani'ach pachos me'arba'im se'aros."**

**Peshat:** The shiur of pe'ah (how much one must leave) — chachamim didn't give a shiur. The Rambam has a tradition from his grandfather that one must leave forty hairs.

**Chiddushim:**

1. **Two Approaches in Pe'os HaRosh:** (a) Other Rishonim say there is a certain **place** on the head where one may not cut — up to where may one cut. (b) The Rambam's approach (as it sounds from "lo nasnu vah chachamim shiur") is that one may cut as much as one wants, as long as forty hairs remain somewhere on the side of the head.

2. **No Obligation of Long Pe'os:** In a Teshuvos HaRambam he answers that the masses think there is an obligation to have long pe'os, but in truth there is no such obligation. The main thing is just not to be megalei'ach.

3. **"Shamanu Mizkenenu" — A Tradition Without a Source:** The Rambam says explicitly that he has no source for the shiur of forty hairs — he only heard it as a tradition. This is interesting because the Rambam brings it into his sefer halachah although it's a tradition without a clear Talmudic source. There must be a shiur — because if someone has only one hair, that certainly can't be enough. But no one formally established the shiur.

4. **Versions:** There are versions where it says **four** (4) instead of **forty** (40). The Afikei Yehudah brings a source for the approach of four. It also says "shemonim zekenim" — eighty elders said this.

5. **Location of the Pe'ah:** The pe'ah must be on the **side** of the head ("betzido"), not in the middle.

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**Halachah – Mutar Lilkot Pe'os BeMisparayim**

**The Rambam's Words: "Mutar lilkot hape'os bemisparayim. Lo ne'esor ela hashchasah shel ta'ar."**

**Peshat:** One may remove pe'os with scissors (misparayim). The issur is only "hashchasah" with a razor.

**Chiddushim:**

- The distinction between "likut" and "hashchasah": Likut means gathering/cutting without uprooting from the root, without the damage of hashchasah which cuts deeper.

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**Halachos 6-7 – Hashchasas HaZakan**

**The Rambam's Words: "Derech kol ovdei avodah zarah lehashchis zekanam, lefikach asrah Torah lehashchis es hazakan... chamesh pe'os yesh bo: lechi ha'elyon velechi hatachton miyamin, ulechi ha'elyon velechi hatachton mismol, veshivoles hazakan."**

**Peshat:** The reason for this issur is because ovdei avodah zarah did so. A beard has five pe'os: upper cheek and lower cheek on the right, upper cheek and lower cheek on the left, and shivoles hazakan (the lower point).

**Chiddushim:**

1. **"Pe'os" by Zakan Means the Entire Beard:** The Rambam learns that "pe'os" regarding zakan doesn't mean specific corners, but **the entire beard** — just as one divides a beard into five sections. This means that even cutting off just one side is already transgressing.

2. **Lokeh Chamesh:** Whoever removes all five pe'os receives five malkiyos — each pe'ah is a separate aveirah.

3. **Davka BeTa'ar: "Ve'eino chayav ad sheyegalchenu beta'ar"** — also by zakan it must be with a razor, because "lo sashchis" means "giluach sheyesh bo hashchasah" — a razor cuts deeper.

4. **BeMisparayim — Patur Aval Asur:** Whoever shaves his beard with scissors is patur. The Rambam holds lech'orah that bemisparayim is **patur aval asur**.

5. **Distinction in Language:** By pe'os harosh it says "likut" and by zakan it says "megalei'ach" — perhaps because "likut" fits better for pe'os harosh.

6. **Woman: "Ve'ishah muteres lehashchis zekana im hayah lah"** — a woman with a beard may remove it. And if a woman shaves a man's beard, she is peturah (but lech'orah asur).

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**Halachah – Safam (Mustache)**

**The Rambam's Words: "Vehasafam mutar legalcho afilu beta'ar, vehu hase'ar she'al gabei hasafah ha'elyonah. Vechen hase'ar hamedulal mehasafah hatachtonah, af al pi shemutar, lo nahagu Yisrael lehashchiso, ela megalachin ketzaso kedei shelo ye'akev achilah ushtiyah."**

**Peshat:** The mustache (upper lip) is permitted even with a razor because it's not one of the five pe'os. The hair of the lower lip — although it's permitted — one doesn't conduct oneself to cut it off completely, but only a bit so it won't interfere with eating and drinking.

**Chiddushim:**

1. **Muslim Custom:** Muslims have a custom specifically to cut off the mustache (large beard without mustache).

Therefore Jews have a custom specifically **not** to cut off the mustache completely — in order to distinguish themselves from them. One cuts only a bit, but not as much as Muslims.

2. **Arizal:** The holy Arizal said one shouldn't cut the entire beard, but he also says one should cut the mustache — with the same language "me'akev es ha'achilah". This shows how strongly accepted the custom was.

3. **[Digression: Forbidden Foods in Mustache]:** A humorous comment that people who maintain large mustaches have a problem with forbidden foods that remain hanging in the hair.

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**Halachah — Ha'avarac Se'ar Mish'ar HaGuf: Issur Derabbanan**

**The Rambam's Words: "Ha'avarac hase'ar mish'ar haguf, kegon beis hashchi uveis ha'ervah, einu asur min haTorah ela midivrei sofrim. Veha'over makin oso makas mardus. Bameh devarim amurim? Bemakom she'ein ma'avirin se'ar ela nashim, kedei shelo yesaken atzmo tikun nashim. Aval makom shema'avirin hase'ar anashim, im he'evir ein makin oso."**

**Peshat:** Cutting hair from other parts of the body (underarm, ervah, etc.) is not forbidden min haTorah, but miderabbanan. Whoever transgresses receives makas mardus. This applies only in a place where only women cut off such hair. But in a place where men also do it, there is no issur.

**Chiddushim:**

1. **The Essence of This Issur:** It's not a simple issur on cutting hair, but specifically on cutting hair **as women do**. Therefore, if in a certain place men also cut off their hair, there is no longer an issur — because it's no longer "tikun nashim".

2. **Rema — Mutar Leha'avir Se'ar She'ar Evarim BeMisparayim Bechol Makom:** The Rema means: The ha'avarac se'ar from beis hashchi uveis ha'ervah that we're talking about beta'ar — that is dependent on minhag hamakom. But **bemisparayim** one may do it everywhere, even in a place where only women do it, because the custom of women is with a razor, not with scissors. Therefore scissors is never "kederech ishah".

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**Halachah — Lo Yilbash: Edei Ishah / Edei Ish**

**The Rambam's Words: "Lo sa'adeh ishah edei ish" — a woman should not adorn herself with ornaments of a man, such as placing on her head a mitznefes or kova, or wearing armor, or shaving her head like a man. "Velo ya'adeh ish edei ishah" — such as wearing colored garments and gold jewelry, in a place where only women wear such items. Everything is according to minhag hamedinah.**

**Peshat:** Both directions are forbidden — a man may not wear women's clothing/ornaments, a woman may not wear men's. Everything is dependent on minhag hamedinah.

**Chiddushim:**

1. **The Language "Adah" — Source Unclear:** The Rambam uses the language "lo sa'adeh" / "lo ya'adeh" — from the language of adayim/ornaments. But the pasuk itself says "lo yihyeh keli gever al ishah" and "lo yilbash gever simlas ishah" — **the language "adah" is not the language of the**

**pasuk.** It's unclear where the Rambam takes this language from — perhaps from a Gemara.

2. **Woman Who Shaved Her Head Ka'ish:** The Rambam brings that a woman who shaves her head ka'ish is forbidden. An interesting point: earlier we learned that a woman **must** remove hair (ha'avarac se'ar), but here there is an issur to remove hair **like a man**. This is lech'orah one of the reasons why the Rambam places these halachos together — because by cutting hair both directions of "lo yilbash" come in.

3. **Hakol Keminhag HaMedinah:** The Rambam emphasizes that everything is dependent on custom — if in a certain place only women wear a certain ornament, a man may not wear it, and vice versa.

4. **Rambam in Sefer HaMitzvos — Two Reasons for the Issur:** The Rambam in Sefer HaMitzvos brings that the custom of cross-dressing was among goyim for **two** reasons: (a) **Le'orer es hata'avah vehashechisos** — to mix men and women, (b) **Avodah zarah** — it was a way in avodah zarah. This shows that the issur has a broader meaning — it also enters into halachos of how a Jew dresses in general.

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**Halachah — Malekes Se'aros Levanos / Tzovei'a Se'aro**

**The Rambam's Words: "Malekes se'aros levanos mitoch hashechorot meirosho omizekano — misa'arah achas lokeh, mishum she'oteh edei ishah." "Vechen im tzava se'aro shachor misa'arah levanah achas — lokeh."**

**Peshat:** Removing white hairs from among black ones, or dyeing white hair black, is forbidden because of lo yilbash, because this is a women's thing of beautifying oneself.

**Chiddushim:**

1. **No "Minhag HaMedinah" Mentioned:** By malekes se'aros levanos and tzovei'a se'aro the Rambam does **not** say the language "minhag hamedinah" — in contrast to the previous halachah about clothing. Poskim discuss this — that perhaps there is also minhag hamedinah here, but it's not stated explicitly.

2. **A Woman Doesn't Have a Beard — So How Is This "Kederech Ishah"?** The answer: It's not specifically about the beard, but **the thing of making oneself beautiful/young** is a "minhag ishah" — this is a women's action.

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**Hilchos Kesoves Ka'aka**

Definition of Kesoves Ka'aka

**The Rambam's Words: "Kesoves ka'aka ha'amurah baTorah — hu sheshoret al besaro umemale mekom hasritah kochol o deyo o she'ar tziv'onim haroshmim. Vezehu minhag hagoyim sherosmim atzman la'avodah zarah shelahem, kelomar shehu eved machur le'oso avodah zarah."**

**Peshat:** Kesoves ka'aka (tattoo) — one scratches into the skin and puts in color. This was a custom of goyim to mark themselves as slaves to their avodah zarah.

**Chiddushim:**

1. **Why the Rambam Places It Here:** The Rambam puts kesoves ka'aka in the same category as lo yilbash, because

**both are things one does with the body** — it enters into halachos of how a Jew treats his body.

**2. Reason for the Issur — "Avadai Hem Velo Avadim La'avadim":** By goyim one would scratch into the body of a slave — just as was done with enslaved Jews, just as on an animal ("kivnei maron" — one puts on a number). The purpose is to make a person that he's not a person, he belongs to someone. **A Jew is not a slave** — "avadai hem velo avadim la'avadim". A Jew has the right to serve Hashem, not to be marked as property.

**3. [Digression: "To Which Rebbe Do You Belong?"]:** When someone asks "to which rebbe do you belong?" he should say "I don't belong" — because if yes, there's a question of kesoves ka'aka. "Perhaps kesoves ka'aka means when they write you into their 'anshei shelomeinu' book — that's a modern kesoves ka'aka."

**Kasav Velo Ka'aka / Ka'aka Velo Kasav**

**The Rambam's Words: "Kasav velo rasham betzeva, o rasham betzeva velo kasav bisritah — patur. Ad sheyichsov veyeka'akei'a. Be'eizeh makom begufo, bein ish bein ishah — lokeh."**

**Peshat:** One needs both parts — seritah (ka'aka) **and** putting in color (kesoves). Only one without the other — patur.

**Chiddushim:**

1. **"Patur" — Patur Aval Asur?:** "Patur" usually means patur aval asur — this is a rule in stringencies, and we've already seen several times in the Rambam where "patur" means patur aval asur. But the question remains — whether this applies here as well. For example: if someone writes with a marker on a person (without seritah), is it forbidden miderabbanan? This remains unresolved.

**The Writer vs. The Written Upon**

**The Rambam's Words: "Aval zeh shekasvo al besaro... eino chayav ela im siya kedei sheya'aseh hama'aseh. Aval im lo asah kelum ela yashav lo ad shekasvo alav, eino lokeh."**

**Peshat:** The issur of kesoves ka'aka falls on the doer. The person on whom the tattoo is made is only chayav if he actively helped.

**Chiddush:** The \*reason\* for the issur is to look like a goy, but the \*action of issur\* is the doing itself. Therefore, if the person sits passively and lets someone make a tattoo on him, he is patur from malkiyos.

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**Hilchos Seritah Al HaMeis**

**The Rambam's Words: "Hashoret seritah achas al hameis... vesaret lanefesh lo sitnu bivsarchem. Echad Yisraeli ve'echad kohen."**

**Peshat:** The issur of se

ritah on a meis applies both to a Yisrael and to a kohen, although the pasuk appears among kohanim.

**Chiddushim:**

1. **"Sarat Seritah Achas Al Chamishah Meisim, O Chamesh Seritos Al Meis Echad, Lokeh Chamesh":** By one seritah on five meisim, it's one action — why five malkiyos? The answer: There are five intentions, each intention for a different meis, and five intentions can make

five issurim. The yesod is that by Yisrael it says "al kol achas ve'achas" — he was warned for each meis separately.

**2. Seritah and Avodah Zarah:** "Vayisgodedu kemishpatam becharavos uverimachim" — by avodah zarah they would scratch themselves with implements. The custom of avodah zarah was with an implement, and on a meis without an implement. Both are punished, but seritah for avodah zarah is lech'orah more severe because it's more connected to avodah zarah.

**3. [Digression: Shiite Customs]:** By Shiite Muslims there is such a custom of cutting themselves for their dead (Ashura). Perhaps this is a mistaken imitation of both — both avodah zarah and mourning.

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**Hilchos Lo Sisgodedu — Two Drashos**

**The Rambam's Words: "Bichlal azharah zo shelo yihyu shnei batei dinim be'ir achas, zeh noheg keminhag zeh vezeh noheg keminhag acher, shedavar zeh gorem lemachlokes gedolah. Vehu she'amar lo sisgodedu, shedareshu Chazal lo sa'asu agudos agudos."**

**Peshat:** The Rambam brings both interpretations of "lo sisgodedu" — both seritah on the body, and lo sa'asu agudos agudos (not making different groups). Both are de'oraisa, just as by "lo sechanem" where multiple drashos are all de'oraisa.

**Chiddushim:**

1. **The Rambam's Approach Against Other Rishonim:** In the Gemara it's implied that shnei batei dinim be'ir achas is completely permitted — if one knows that one is a Vizhnitzer and one is a Belzer, it's like two cities and not a contradiction. **But the Rambam learns the opposite** — shnei batei dinim be'ir achas is exactly the main issur, because this causes the greatest machlokes.

2. **The Rambam's Yesod of One Beis Din:** The Rambam held very strongly that it's miyesodei haTorah that there should be one beis din that leads. He mentioned the Sanhedrin many times, and he was concerned that all Jews should follow the same halachah, one approach, one way.

3. **The Connection to Avodah Zarah:** "Agudos agudos" has a true connection to avodah zarah — all Jews serve one Creator, go one way. Division into groups is an aspect of avodah zarah.

4. **[Digression: Original Derasha — "Al HaMeis" and Machlokes]:** "Lo sisgodedu" appears by "al hameis" — when the great Rosh Beis Din lives, there is one beis din. When he dies, the question begins of who is the memale makom, and everyone divides — who is the true heir, who truly understands the Torah. When Judaism "lives" (there are nevi'im, beis din), there is achdus; when it's "dead," division comes.

5. **[Digression: Askonus as Avodah Zarah]:** Askonus (political manipulation) is a type of avodah zarah, relevant to "lo sisgodedu".

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**Hilchos Korchah Al HaMeis**

**The Rambam's Words: "Vekore'ach korchah al hameis... velo sasimu korchah bein eineichem lames. Echad Yisrael ve'echad kohen."**

**Peshat:** One may not pull out hair from the head for a meis. "Bein eineichem" means on the front of the head (like tefillin), but it applies to the entire head, because other pesukim say "berosham".

**Chiddushim:**

- 1. Shiur Korchah:** "Kedei sheteira'eh kegeris panui belo se'ar" — a place the size of a geris that is empty of hair.
- 2. Method of Korchah:** "Echad hakore'ach beyad ve'echad besam" — either pulling with the hand or with a chemical.
- 3. Chamesh Korchos Bevas Achas:** The Rambam brings the case of "chamesh etzbe'osav besam vehinichan chamesh mekomos berosho" — he dipped five fingers in sam and placed them on five places. **Although it's one action and one warning, lokeh chamesh, "sheharei kulan ba'u ke'achas."** The chiddush: The fact that "kulan ba'u ke'achas" makes it so the one warning can apply to all five. Usually one would say that five fingers are like five separate actions, but here it's one action with five results.
- 4. Korchah Only Al HaMeis:** "Hakore'ach rosho... al tzarah acheres — patur. Ve'eino lokeh ela al meis bilvad, o al seritah la'avodah zarah." Korchah for avodah zarah is not explicit in the pasuk (not like seritah). The Rambam admits that korchah is a minhag havalim of goyim, and the Torah forbade it because it's a gentile custom.

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**Halachah – Korchah/Seritah on Chaveiro: General Din**

**The Rambam's Words:** "Hakore'ach korchah berosho shel chaveiro... harei zeh safek im chayav makos al besaro shel chaveiro. Ve'im chaveiro mesaye'o, shneihem mezidin, shneihem lokin. Ve'echad shogeg ve'echad meizid — hameizid lokeh."

**Peshat:** Someone who pulls out another person's hair — it's a safek whether he is chayav malkiyos. If the victim helped (mesaye'a), both are chayav. If one is shogeg and one meizid, the meizid receives malkiyos.

**Chiddushim:**

**1. Din Shogeg Umeizid by Megalei'ach VeNisgalei'ach:** When one is a shogeg and the other a meizid, each is judged according to his status — the meizid receives malkiyos, and the shogeg brings an olah. We don't say that because the nisgalei'ach was a shogeg, the megalei'ach is automatically patur.

**2. General Rule for the Entire Chapter:** All the halachos of this chapter (kesoves ka'aka, seritah, korchah) have the same din: by something that is done \*to\* the person, the \*doer\* is chayav. The person to whom it's being done is only chayav if he is mesaye'a — and that is a lav sheyesh bo ma'aseh (because the assistance is an action), and he receives malkiyos.

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**General Yesod of the Entire Chapter — Summary**

**Chiddush — A General Yesod That Unifies All Halachos of This Chapter:** All the halachos in this chapter have the same approach — they deal with things that are done **to the person's body**, and they are **not done by oneself** (but by another). The one who does it is chayav, but the one to whom it's being done is **also chayav if he is mesaye'a**. And it is a **lav sheyesh bo ma'aseh** (therefore lokin alav).

This applies equally to all six mitzvos in this chapter:

- 1. Pe'os harosh** — one doesn't cut the pe'os
- 2. Hashchasas hazakan** — one doesn't destroy the beard
- 3. Lo yilbash** — one doesn't wear women's clothing
- 4. Kesoves ka'aka** — one doesn't make a tattoo
- 5. Seritah** — one doesn't make a scratch
- 6. Korchah** — one doesn't make a bald spot

**Chiddush — The Deeper Approach of the Chapter:** The entire chapter deals with **how a Jew's body should look** — different from avodas kochavim. This is the connection of why the Rambam places all these halachos together in Hilchos Avodah Zarah — they are all laws that determine the appearance of a Jew's body, so that he should separate himself from the ways of the akum and avodah zarah.

**This is the end of Hilchos Avodah Zarah.**

## Full Transcript

### Rambam Laws of Idolatry Chapter 12 – Sidelocks of the Head, Sidelocks of the Beard, and Clothing

#### Introduction: The Place of These Mitzvos in the Laws of Idolatry

We are going to learn Laws of Idolatry Chapter 12, the twelfth chapter of the Laws of Idolatry, and this is in Sefer HaMada (Book of Knowledge), this is the Rambam's book called Mishneh Torah.

The chapter is an interesting chapter, because we learned at the beginning of the Laws of Idolatry that there are 51 mitzvos that are connected with the prohibitions of idolatry. The last few mitzvos are mitzvos that the Rambam held that the reason for the mitzvos, or perhaps even the definition of the mitzvos in a certain way is, that one should not do like the customs of idolatry.

We have already essentially seen a few things that are forbidden because they are customs of idolatry, such as making an asheira (sacred tree) or a matzeivah (pillar), or

perhaps divination, even superstitious practices, which are customs of idolatry. It's not actually idolatry itself, it's a custom, but those one can still understand that they are connected with idolatry.

Is there a group of mitzvos that are plainly the custom, the ways of the idol worshippers? It could be that he held that this is a style that the idol worshippers love, I don't know. And the Rambam placed the laws of these mitzvos in the Laws of Idolatry. By the way, we would have placed them in other places, perhaps in Yoreh Deah, it's indeed only found in Yoreh Deah, I think.

So one of the mitzvos is pe'os (sidelocks), pe'os of the head, pe'os of the beard, "a woman shall not wear men's clothing," such a thing that we call cross-dressing, yes, one should not wear women's clothing or vice versa. Tattooing, and making cuts for the dead, scratching oneself when a person dies, making a bald spot when a person dies.

All these laws, interestingly, are all laws of the body, right? Of the body and clothing. Does it perhaps have to do with what the Rambam said...

**Chavrusa:** Chukas hagoy (customs of the nations).

Chukas hagoy, do you remember? He said that there are two types of chukas hagoy, either in their hair and their clothing. All of these have something to do with their hair and their clothing.

#### **The Rambam's Approach to the Reasons for the Mitzvos**

I mean, it could be that it perhaps has to do with the Rambam's approach that one must always understand the reasons for the mitzvos. Other Rishonim (early authorities) said, it's just another mitzvah, not every mitzvah needs to know exactly in which category. But the Rambam, for whom the reasons for the mitzvos are fundamental, he needs everything to fit.

What's going on with someone who injures his fellow? The Rambam said, it's a beautiful Torah, that if a person doesn't have a normal, clear vision of the world, he will easily fall into idol worship, he will easily adopt falsehoods and so on. So here too, not to be similar with the clothing and with the appearance to...

#### **Innovation: The Laws Are in the Laws of Idolatry**

No, but it's still an innovation that the Rambam placed it in the Laws of Idolatry. It's an innovation, because for example orlah (fruit of the first three years), the Rambam also [says] it's because of idolatry, they had a custom apparently to eat orlah for something like that.

I don't believe that the Rambam would say, for example, there is the law that yeihareig ve'al ya'avov (be killed rather than transgress) applies even to things that only have a connection to idolatry. The Rambam didn't say it exactly, it could be indeed that the Rambam is not like Tosafos, because for example, it's not difficult to say that someone who cuts off his sidelocks transgresses with this on accessories of idolatry, or someone who makes cuts for the dead.

Perhaps even according to the Rambam there are also levels of idolatry. There is actual idolatry itself, making an idol or I don't know, something else, and there are things that are already further, but it's still in the same category in the 51 mitzvos of idolatry. I don't believe that the Rambam would say, let's say if the Rambam, let's look in other places, if the Rambam says that one must give up one's life for everything that is accessories [of idolatry], I don't believe that one must give up one's life for all these 51 mitzvos.

#### **Comparison to Forbidden Relations**

Right, but I'm thinking now, now I can understand a bit better, I always found it difficult. Ah, I told you that I don't have a clear proof, excuse me, I didn't bring a proof. That the Rambam said that one may not be dressed in a place that is in the category of idolatry. If it is presumably not simply like forbidden relations.

Forbidden relations he also said that one may not be found in a situation behind the fence, and even if it's only looking at a woman, it's only a matter of modesty, it's only rabbinic. Okay, there it's only rabbinic, there it's a new decree. But here it seems that it's not actually idolatry. It's certain that there is such a mitzvah.

#### **The Rambam's Approach: How a Jew Looks Belongs to Idolatry**

But now I grasp, the other time when I learn it I understand already a bit better. That the Rambam indeed said in Chapter 11 about chukas hagoy, that there is "just as Israel is separated from the nations in their beliefs and in their character traits and in their knowledge, so they must be separated in their clothing and in their other actions." And on this there are certain mitzvos.

That means, if one asks, let's say like this, if one asks, how does a Jew look? What is a Jew? Okay, the essence of a Jew is faith. One is not a denier of idolatry, one is not a denier of the fundamental principle. A Jew is one who doesn't serve idolatry. Okay, how does a Jew look? A Jew goes with a beard and sidelocks.

So, the gentiles wanted to have sidelocks, we look at them, yes, it's interesting. We think a bit like the Rambam. What is a Jew? A Jew has a Jewish face, he goes with a beard and sidelocks. Or he doesn't let them cut his beard and sidelocks on Shabbos, whatever the law is exactly. As opposed to a gentile, an idol has a beard and sidelocks. A gentile doesn't have a beard and sidelocks.

No, beard and sidelocks is just another mitzvah, so a Litvak can say, it's just another mitzvah, it's not what makes a Jew. No, because the Rambam is true that this makes a Jew, because this is the Torah wants to separate Jews from gentiles. It's true that there are other things, as with Heaven's help we spoke, it's also "and I have separated you from the peoples," but "may He grant peace in our borders," it's not the form of how a Jew looks, it's not the visual.

Name, language, clothing, for example, the Jews who were in Egypt separated themselves from idolatry, it's indeed name, language, clothing. It could be that language means the language that was spoken in such a manner, he makes new words that don't have idolatrous words. But the intention is, the clothing, the name, they saw "you shall not mention the names of other gods," and one should not say the names of idolatry perhaps.

But yes, one sees that the thing of how a Jew looks, how he conducts himself as a Jew in his body, the basic appearance, the Rambam held that this belongs to idolatry. It's very very beautiful to consider it this way. It's truly the Rambam holds that how a Jew looks, the beard and sidelocks.

I think that the Rambam says it explicitly in Sefer HaMitzvos which we learned, I remember I noted it, that it's not just, a person can say, "Ah, sidelocks is just a prohibition, one may not shave, it's not part of how one looks." Yes, the Torah wants specifically that a person should go with a beard.

In practice the prohibition is that one may not cut off completely with a razor, true. One can find, the word is not so strong that one should indeed go with a beard and sidelocks, rather that one should not look like idol worshippers, and not make the haircuts of idol worshippers. But I think that it's certainly according to the Rambam, certainly with a beard, I remember the Rambam says almost explicitly in Sefer HaMitzvos, that a Jew should go with a beard. One can find a leniency that one cuts without a razor, no problem, but it's certain that the Jewish form, the opposite of idolatry, is he goes with a beard.

Sidelocks is perhaps a bit less, because it means only not to do like the gentiles, you don't need to cut like that, you don't do

like that. Not long sidelocks, that's certainly not really a mitzvah, but...

### **The Principle: Don't Do Like They Do**

It's interesting, it turns out that the Laws of Idolatry, there are very many mitzvos that one should not do like they do, even if you're not doing it. They made trees next to their idolatry, you don't make a tree next to the altar. It's not that there's something wrong with a tree, or there's something wrong with the hair style.

One can always search, because there is a problem, because if the world changes and there is no idol worshipper who does so, what now? This is indeed certain, and one doesn't say that the law is that one should look in the magazines how a gentile looks today, and that is what looks different.

That it's also in that. That is indeed all true, I may not at all "you shall not follow their customs," how does Beis [Yosef] say. It's plus, either what the gentiles once did, or if it's something that is unique to the gentiles, to the idol worshippers today, one may also not do it at all. It's both.

It could be, one must perhaps still understand, I don't know if it's work on all these things, but I think that one should be able to find some way how, for example the pillar, or for example the sidelocks, there is some meaning in it. I don't know what the meaning is, but perhaps someone who knows something about the aesthetics of a person, there is some reason why the idol worshippers specifically cut like that, and there is some reason why the Almighty must... I don't know, something one must say. Because not that something is just something.

**Chavrusa:** For their architecture stands, we learned this yesterday.

### **Law 1: Rounding the Corners of the Head**

Okay, let's learn inside. The Rambam says: "**One who shaves the corner of his head**", the head has corners, just as a field has corners, the corners, here a corner, here a corner, the corners of the head, that one should not cut off the corners, "**as the idol worshippers and their priests used to do**", because one should not shave like the idol worshippers and their priests used to do it. As it is stated, so the verse says, "**You shall not round the corners of your head.**"

#### **Liable for Each and Every Corner**

The Rambam says, "**and one is liable for each and every corner**", because it says a language of corner, a singular language, that each corner, each angle in the head, is a separate obligation. Therefore, "**one who shaves both his sides**" one who shaves both sides of his head, "**even with one unawareness and one warning**", even if he does it with one unawareness and one warning, "**receives two sets of lashes**", he gets two sets of lashes. Why is this so? Because if he would have done it with two times and with two warnings, he would have been liable twice for the same prohibition. Now he is liable twice because each corner is a prohibition in itself.

### **Law 2: Shaving Only the Corners vs. Shaving the Entire Head**

The Rambam says further: "**Whether one shaves only the corners and leaves the hair of the entire head**", there is no difference exactly how one does it, one cuts only the corners and leaves over the rest of the head. And there is no difference... The Rambam once said how one may not cut.

No, there is indeed a mitzvah that the Rambam is explaining the law. That means, it must be the custom of the priests, or custom, I don't know, only the priests or everyone, the custom was specifically to cut around and around and to leave in the middle. Because a person can think, right, a bald spot, two types of bald spots, one type of bald spot.

But it's indeed a person can then he is indeed transgressing, you know? He is transgressing "you shall not round," he has cut with a razor in a manner that is forbidden, and "you shall not follow their customs." Because the Rambam indeed meant that "you shall not round" one only transgresses this way. One shaves off the entire head, right, he already doesn't look like the priests, but indeed he has done a certain action like the priests with cutting off the corners.

One who shaves his entire head also receives lashes. Right, one who shaves his corners but not his entire head, which then he still [looks like] the priests, and as we learned yesterday that apparently then he also transgresses "you shall not follow their customs." One who shaves his entire head, ah, possibly he anyway doesn't look like the priests, but he has done the prohibition of the corners of his head, and "one who transgresses [by] shaving the corner receives lashes."

### **Innovation: The Torah Picked Out the Sidelocks of the Head from the Entire Design**

It's interesting, we didn't say to the Torah, when the Torah is... It's indeed from the design of the priests the Torah picked out the thing, the sidelocks of the head, this is the main prohibition. This is the simple meaning. Apparently one must... If one wants... One says that the Rambam says one should understand the reasons for the mitzvos, I would have thought that the reason is not enough to say that it was specifically the custom of the gentiles. It must be that the gentiles had a meaning in this. I would have wanted to ask the priests, today it's not the custom, but once... I would have wanted to ask the priests of long ago what is the reason that they had, perhaps they had an explanation why it is so. I don't know.

Yes, okay, further.

Yes, good. "**And from their words we learned that the prohibition is only on the one who shaves**". The shaver, the barber, the one who does the action. "**But the one being shaved does not receive lashes, unless he assisted the shaver**". Only if he helped the shaver.

### **Innovation: The Prohibition Is on the Action, Not on the Appearance**

It's interesting, because here you have apparently told me that the main point is how you look, not how the action of shaving. It's indeed the action that you carry the design. But in practice, the Torah was particular about the rounding, about the action, doing the action of cutting like that.

The Rambam rules like Rav Ashi, "assisting." Assisting, apparently means not necessarily he cuts, he turns his head and the like, he does him an action. No, it's interesting, because apparently a person would have said that the one who cuts him not at all, because he doesn't carry the idolatrous design, he has merely done the other's design. But no, in practice the prohibition is the action of shaving. We have seen that making an idol is also that. Okay, further.

"**And one who shaves a minor receives lashes**". Good, because the action, the person who did the action is indeed an

adult. If the prohibition would have been the understanding and the intellect, one would be exempt, because a minor doesn't yet have any transgressions. But once the transgression is the action, he says.

### **Law 3: A Woman Who Shaved the Corner of a Man's Head**

The Rambam says here, "**A woman who shaved the corner of a man's head**" - a woman who was the barber, a female barber. Barber, how does one say a female barber? Okay.

## **Laws of Idolatry Chapter 12 — Corner of the Head, Destruction of the Beard, and Exemption of Women from Mitzvos**

### **Law 3: A Woman Who Shaved — Exempt from "Do Not Round" and "Do Not Destroy"**

**Speaker 1:** She shaved completely. And it's indeed a priest.

Actually why does one call a priest a "bald one"? Because the priests used to go bald. Interesting, a Jew who shaved off his beard one calls a shaver. He's not a bald one, he's a shaver. Some secret in this.

**Speaker 2:** No, it fits with the Rambam, that the Rambam views that the greatest matter of the idol worshippers is that they go as bald ones. Yes.

**Speaker 1:** The word in Chazal (our Sages) and in the Rambam is priest. Not what we call a bald one is a priest.

**Speaker 2:** Okay.

**Speaker 1:** Ah, a woman who shaved, or a woman who... what?

**Speaker 2:** I think that priest is the language of bitterness, he is always black bile, such a... a priest is... It's indeed the word priest. There is a language from a verse "like bitterness upon my heart." I think that it's a...

**Speaker 1:** Okay, okay. Okay. Anyway. Okay.

### **The Rambam's Language**

**Speaker 1:** A woman who either did the action of shaving, or she shaved herself, "**is exempt, as it is stated 'You shall not round the corners of your head,' and regarding their shaving their hair it is stated 'They shall not make a bald spot on their head.'**"

You see, women also have hair on their head, and they also have corners of the head. But one doesn't speak of a woman's corner of the head.

**Speaker 2:** Yes, women don't have a beard.

**Exposition: Whoever Is Subject to "Do Not Destroy" Is Subject to "Do Not Round"**

**Speaker 1:** So whoever is. So automatically, he compares the two things, he expounds on adjacent verses, it's written one next to the other. He says whoever is subject to "do not destroy," which means he has a beard, is subject to "do not round." And a woman, one [subject to] "do not destroy," she doesn't have a beard. A woman doesn't have a beard, automatically she is removed from the mitzvah. Either because she shaved a man's corner of the head, and because she is not in men's clothing, and if she was shaved.

**Innovation: Slaves Are Obligated — Distinction Between Essential Exemption and Physical Exemption**

## **Chapter 12: Prohibitions Related to Imitating Idol Worshippers – Sidelocks, Destroying the Beard, and**

## **Body Hair**

### **Sidelocks – The Measure of Forty Hairs (Continuation)**

**Speaker 1:** Therefore, slaves who have a law, regarding mitzvos they have a law that they are obligated like women. But don't they have a beard? They do have a beard. So if the reason why they are exempt is because it's a positive time-bound commandment (mitzvas aseh shehazman grama), or in essence, this is a mitzvah from which women are excluded in essence, then a slave would be the same thing. But once it has to do with the body of a woman, a woman doesn't have a beard, a slave is a type of woman who does have a beard, so for him it is indeed relevant, so it is indeed forbidden regarding the prohibition of rounding.

It's a learned distinction why here a slave is indeed obligated. It hasn't happened that someone should say, let's say, because for example a slave, destruction of seed let's say, certainly a woman isn't relevant to the same type, it's a different body. But once it concerns the body, yes, it's interesting.

In any case, everything is so, on this there is so is the law, yes.

The Rambam continues.

**Question: Why is a Woman Exempt from Bal Tashchis?**

**Speaker 2:** Now the question becomes reversed, why is a woman exempt from bal tashchis? After all, you're saying it's a lav?

**Speaker 1:** No, I understand what you're saying. You're saying that she doesn't have, she doesn't have. But you're comparing one to the other, right? Something, if you go according to the reason it's difficult. Because you're saying "kol sheyeshno" (whoever has), when you say "kol sheyeshno," understand? It's difficult to understand according to the reason, right? Indeed.

One must know, it could be that indeed by idolatry it was also only the men, I don't know, but the Rambam doesn't say so, but yes.

### **Law 4: General Rule of Women in Mitzvos – Negative and Positive Commandments**

**Speaker 1:** The Rambam says further, "kol mitzvas lo sa'aseh" (all negative commandments), now he goes to a new general rule. Once he mentions the mitzvah of... the first time I think in the Rambam's book that he mentions when a woman is excluded from a certain mitzvah. It wasn't relevant until now. We spoke that a woman is exempt from Talmud Torah, but it wasn't stated explicitly that she doesn't have the mitzvos, it was only stated that they shouldn't learn.

**Speaker 2:** No, at the beginning it stated that women are exempt.

**Speaker 1:** First, I remember, in the first chapter of Talmud Torah we already learned calmly and peacefully, that she is exempt from teaching and from learning. That was indeed stated.

### **The Rambam's Language: Women in Negative Commandments**

**Speaker 1:** The Rambam says further, and we're already speaking about women's obligation in mitzvos, the Rambam goes to explain this matter a bit. The Rambam says, "**kol mitzvas lo sa'aseh shebaTorah**" (all negative commandments in the Torah), by positive commandments there is a distinction between time-bound and not time-bound. But negative commandments, women are also

obligated just like men. **"Kol mitzvas lo sa'aseh shebaTorah, echad anashim ve'echad nashim chayavin, chutz"** (all negative commandments in the Torah, both men and women are obligated, except), and here he lists a negative commandment from which women are exempt.

He says, which lav? **"Bal takif," "bal tashchis," and "bal titma kohen lamesim"** (don't round, don't destroy, and a kohen shouldn't become impure from the dead). "Bal takif" is cutting the sidelocks, "bal tashchis" is cutting the beard, and "bal titma kohen lamesim," a kohenes is exempt from the prohibition of "bal yitama lamesim." A female kohen doesn't have this prohibition on her, she may.

#### **The Rambam's Language: Women in Positive Time-Bound Commandments**

**Speaker 1: "Bechol mitzvas asech"** (in all positive commandments) there is a more general rule, that what? **Every mitzvah that is from time to time**, that depends on time, or that happens from time to time, **"ve'eina tedira"** (and is not constant), that is not a mitzvah that is always relevant, **women are exempt. Except**, which positive commandments are women indeed obligated in, even though it's time-bound and from time to time? **"Kiddush hayom"** (sanctification of the day), kiddush of Shabbos, **"va'achilas matzah beleil haPesach"** (and eating matzah on the night of Passover), **"va'achilas haPesach"** (and eating the Passover offering), **"ushchitaso"** (and its slaughter), slaughtering the Passover offering, **"vehakhel"** (and the assembly), the mitzvah of hakhel where it states there "hakhel es ha'anashim vehanashim" (assemble the men and the women), **"vesimcha"** (and rejoicing), the mitzvah of rejoicing on Yom Tov, chagigah, **"shehanashim chayavos"** (that women are obligated). Although they are positive time-bound commandments, and they are indeed positive time-bound commandments.

#### **Observation: The Only Place Where the Rambam States This Rule**

**Speaker 1:** This is very interesting. Here is the place where the Rambam states this rule, which is a Mishnah in Kiddushin, everyone knows. Here is the place where the Rambam says it in Sefer HaMada. But for some reason, it's not like this as a general rule for the mitzvos in the Rambam. Here is the one place where he states one rule for all mitzvos, that a woman is obligated in all mitzvos except positive time-bound commandments, for which there are exceptions. From kiddush and matzah etc., and all negative commandments from which she is exempt.

Very good.

#### **Law 5: Tumtum and Androgynous – Stringencies of Man and Stringencies of Woman**

**Speaker 1:** The Rambam says further, now we're going to learn another law of... here we've already counted women and slaves regarding this mitzvah. But what do you do with a tumtum and an androgynous? A tumtum is a doubt whether man or woman, and an androgynous is simply that he has characteristics of both. Both are a doubt, but they're two different types of things, yes.

**"Harei elu safek"** (behold these are a doubt). And what does one do? **"Nohagim bahen chumrei ha'ish vechumrei ha'ishah bechol makom"** (we apply to them the stringencies of man and the stringencies of woman in every place). They take, poor things, the worst of both, not the worst,

the stringencies. They take the stringencies of the man and the stringencies of the woman in every place.

#### **Discussion: What Are the Stringencies of Woman?**

**Speaker 2:** Wait for me, regarding what are there stringencies of woman? Which thing has stringencies of woman?

**Speaker 1:** Man I know, he is obligated in 613 mitzvos.

**Speaker 2:** He must cover the hair.

**Speaker 1:** Okay. Niddah?

**Speaker 2:** For example.

**Speaker 1:** In every place. He must wear both tefillin and a sheitel. Both a kappel and a tichel. Kappel isn't an obligation, but tefillin for example, and a sheitel.

But the point is here, he means here the law that's stated here, that both he transgresses bal tashchis like a man, and also he is obligated in all mitzvos, he doesn't have the permissions that a man... here he doesn't have any permissions for a man, there are no leniencies of man, only stringencies, okay. Yes.

#### **Doubtful Torah Law – Not From the Torah as a Stringency**

**Speaker 1: "Vechayavin bakol"** (and they are obligated in everything), they are obligated in all mitzvos, **"ve'im avru ein lokin"** (and if they transgressed they don't receive lashes), do they not receive lashes, because they are after all a doubt. And the Rambam apparently holds that a doubtful Torah law is not from the Torah as a stringency. If it were from the Torah as a stringency, they could also receive lashes. In any case, they are obligated on the side of doubt, because they don't receive lashes.

Okay.

**Speaker 2:** Women also receive lashes, no?

**Speaker 1:** Women can receive lashes on things that are certainly forbidden to them. This one only doesn't do the point because he is a doubtful woman, he doesn't receive lashes on a doubt. One doesn't make a blessing on a doubt, many things one doesn't do on a doubt.

#### **Law 6: A Woman is Forbidden to Shave the Sidelocks of a Male – Lifnei Iver**

**Speaker 1:** The Rambam says, just as we learned that women may indeed shave themselves, she is not transgressing, transgressing, **"uvilvad afilu ishah muteres legalach pe'as roshah, aval asura legalach pe'as rosho shel zachar"** (and although even a woman is permitted to shave her own sidelocks, but she is forbidden to shave the sidelocks of a male). She may not, even though she doesn't receive lashes, earlier it stated that she is exempt, but she may not. Forbidden means she may not shave the sidelocks of a male, even as lifnei iver (placing a stumbling block), she is causing a transgression. **"Afilu katan asur legalach lo"** (even a minor is forbidden to shave for him), she also may not shave a minor.

Okay... let's continue.

#### **Law 7: The Measure of Pe'ah – Forty Hairs**

**Speaker 1: "Pe'ah zo shemani'chin betzido"** (this pe'ah that we leave on the side), this is what we learned, that each side of the head must have a pe'ah, he says **"lo nasnu bah chachamim shi'ur"** (the Sages didn't give it a measure), the Sages didn't say how large this must be, a kezayis, a kebeitzah,

whatever, I don't know how many inches, there is no measure in this.

#### **Tradition: We Heard From Our Elders – Forty Hairs**

**Speaker 1:** But the Sages did indeed say, "**shama'nu mizkenenu**" (we heard from our elders), he says he heard a tradition, he says he heard "shama'nu mizkenenu," interesting, it's still generations, he heard from our grandfather of blessed memory, Rabbeinu Moshe bar Maimon ben Ovadiah, Rabbeinu Moshe bar Maimon, "**mani'ach pachos me'arba'im se'aros**" (one must leave less than forty hairs), one must leave over forty hairs. Forty is very little.

He brings a responsum of the Rambam that there is no obligation to have long pe'os, and he answers, he says that the masses think that there is an obligation to have pe'os, and there's no obligation, the importance is that it shouldn't be cut, but it's not clear.

#### **Two Approaches in Pe'as HaRosh**

**Speaker 1:** He's going to say, is it permitted to pluck, look, the Rambam says further, "**ein muttar likot es hape'ah**" (is it permitted to pluck the pe'ah). There are two ways how one can learn pe'as harosh. Pe'as harosh you can say how far may one cut, a certain place where one must leave over, for example as it comes out so other Rishonim say. Right, the Rambam what he says here the topic of "lo nasnu bah chachamim shi'ur," sounds like he means to say is that no, one may cut as much as one wants, as long as there remain forty hairs somewhere on the side of the head. And one can learn into the Rambam also that once one has left over forty, that's enough, pe'ah means that it's enough an important place where one should leave it over.

It's not like other places, even in the Rambam itself it states in other places, that he means how much can you cut it, until where, until here, until there. One can learn from the Rabbis that if in a certain corner he is a Rav who permits, one doesn't need to be. It must be on the side, it can't be in the middle. But anyway, if you leave over forty years is enough. So it sounds from the language.

Because he says that he doesn't have a source for this, he heard from... he heard. It's interesting, yes.

Very simple, because there's another place that sounds like what says that...

### **Chapter 12: Prohibitions Related to Imitating Idol Worshippers – Sidelocks, Destroying the Beard, and Body Hair**

#### **Sidelocks – The Measure of Forty Hairs (Continuation)**

**Speaker 1:** Once one has left over forty, that's enough. Pe'os means that there should be enough an important place where it should grow. Not like other places, even in the Rambam itself it states in other places that it means how much from here to here to there, and so forth. It's only from the Rambam itself, that if in a certain corner there are forty hairs, that one may not leave over. But anyway, if there remain forty hairs, it's enough. So it sounds from the language of the Rambam.

He says he doesn't have a source for this, he heard, it's interesting. Yes, so I don't know if there's another place where the Rambam says this. A tradition. But tradition apparently means to say that... he means to say that it's a custom, he means to say that this is accepted, that this is the simple meaning of the law, apparently. Yes.

#### **Law 7: Permitted to Pluck the Pe'os with Scissors**

**Speaker 1:** The Rambam says, "**muttar likot hape'os**" (it is permitted to pluck the pe'os). It's simply so, the law must have a hold in reality. That is, apparently they didn't give a measure. So what, if someone has one hair? There must be that there's a certain measure, but no one has laid it down. It could be another explanation, it could be that they said that the measure is... each person should estimate himself. No, a certain area, as it's not from here to here. So it is in other places that it states.

The Rambam says, "**muttar likot hape'os bemisparayim**" (it is permitted to pluck the pe'os with scissors). One may remove pe'os with scissors. "**Lo ne'esor ela hashchasah**" (only destruction was forbidden). There is a distinction between hashchasah and likut. Likut means gathering, one doesn't tear out from the root, and there isn't the flaw of hashchasah, cutting more strongly. "**Lo ne'esor ela hashchasas ta'ar**" (only destruction with a razor was forbidden). Okay.

#### **Discussion: Ra'avad's Dispute – A Woman Who Shaves a Man's Pe'os**

**Speaker 1:** Yes. Ah, see, the Rambam, the Ra'avad is indeed in dispute what we saw earlier, when it states that the woman may not, the Ra'avad says that this is only rabbinically, it's not truly a prohibition. It's not lifnei iver, it's not lifnei iver. It's not Torah law, he makes it yes, it's truly a prohibition.

**Speaker 2:** I don't know clearly.

**Speaker 1:** No, it's clearly Torah law, but one doesn't receive lashes.

**Speaker 2:** No, because it states exempt.

**Speaker 1:** An exemption, but not truly exempt. But, okay.

#### **Destroying the Beard**

##### **Law 8: There Are Five Pe'os in the Beard**

**Speaker 1:** The Rambam says further, we're going to learn about hashchasah. Other Rishonim bring, ah, about the matter of the pe'os, he says, there are but places... no, there's no connection. Okay, I don't know what is the simple meaning of the pe'os. Very interesting, we don't know what pe'os are. The grandfathers said. Very a strange story this. Eighty elders.

##### **Discussion: Versions – Four or Forty Hairs**

**Speaker 1:** There are versions where it states four, and we have forty. There are versions where it states four. I'll bring the proofs later. He brings Afikei Yehudah a source for that opinion that it's four. But okay.

##### **Law 8: The Way of Idol Worshippers to Destroy Their Beards**

**Speaker 1:** The Rambam says, we're going to learn now further destroying the beard. Ah, so until here was the law of the pe'os. Now we're going to learn about shaving the beard.

The Rambam says further, "**derech kol ovdei avodah zarah lehashchis zeknam**" (the way of all idol worshippers to destroy their beards), to remove the beard, to destroy the beard. "**Lefikach asrah Torah lehashchis es hazakan**" (therefore the Torah forbade destroying the beard). The Rambam says so, that on a person's face there are "**chamesh pe'os yesh bo. Lechi ha'elyon velechi hatachton miyamin, velechi ha'elyon velechi hatachton mismol**" (five pe'os in it. The upper cheek and lower cheek on the right, and the upper cheek and lower cheek on the left).

So in short, this means the entire beard, I understand from this Rambam. Each side has two cheeks, here above and below, and here above and below. There's no place in the middle. As much as I understand, the only place that remains is perhaps the mustache. But lechi ha'elyon touches here, lechi hatachton touches here, lechi ha'elyon touches here, lechi hatachton touches here, and shivoles hazakan touches here.

So in short, there are five things of a beard, can you understand? Higher here, lower here, and the bottom. The shivoles hazakan means the one that grows out. It's not true that the Rambam holds that... so I understand from the Rambam. Perhaps there are other Rishonim who say that pe'ah means literally, somewhere a corner. The Rambam learns that pe'ah means simply with style built into the five divisions, except for the mustache which he's going to say.

#### Receives Five Lashes – For Each Pe'ah

**Speaker 1:** The Rambam says, and not each pe'ah, each corner that one removes, one removes lechi ha'elyon or lechi hatachton, each one is a pe'ah, and one receives lashes for each pe'ah separately. And one is not lashed only once, just as we said earlier that pe'ah is singular language, if one has removed one corner he receives five lashes. He has removed everything. Everything is a total of five pe'os, he receives five lashes. Okay, good.

#### Law 9: And One is Not Liable Until He Shaves It With a Razor

**Speaker 1:** The Rambam says further, "**ve'eino chayav ad sheyegalchenu beta'ar**" (and one is not liable until he shaves it with a razor). Ah, also this must be specifically with a razor, with a sharp blade. Yes. As we said earlier, "**lo sashchis es pe'as zekanecha**" (you shall not destroy the corner of your beard).

Earlier it was apparently a ninth, he places it here, because it's available... what's going on here? "**Giluach sheyesh bo hashchasah**" (shaving that has destruction in it). The first is "shaving that has destruction in it." It seems something with a razor is a stronger shaving. It grows back harder? I don't know exactly. Ah, because it cuts more, it cuts deeper.

**"Lefikach hamegalach zekano bemisparayim"** (therefore one who shaves his beard with scissors), earlier it stated "likut," pe'os is likut and his beard is shaving. Perhaps the language likut makes sense on the pe'os harosh? Someone who shaves it off, and he didn't do any action in this, he can't receive lashes, because there must be "ein bo ma'aseh" (there is no action). The same law as pe'os harosh exactly.

#### A Woman is Permitted to Destroy Her Beard

**Speaker 1:** The Rambam says, "**ve'ishah muteres lehashchis zekaneh im hayah lah**" (and a woman is permitted to destroy her beard if she has one). If a woman has, yes, she is the woman who has a beard, she may still. And if a woman has shaved another man, she is exempt. Apparently it's also forbidden, no? He doesn't say that it's forbidden, he said earlier it's forbidden. Apparently yes, but she is exempt, she doesn't receive lashes.

#### Law 10: The Mustache

##### The Mustache is Permitted to Shave With a Razor

**Speaker 1:** What else? A person who has removed all the hair, but he still has a mustache, a "mustache," it's permitted to shave even with a razor. One may shave even with a razor. And what is the mustache? He says, "**vehu hase'ar she'al**

**gabei hasafah ha'elyonah**" (and it is the hair that is above the upper lip). The hair that is above the upper lip. It's very simple, it's not one of the pe'os, it's in the middle.

#### Custom of Israel – They Did Not Practice Destroying It

**Speaker 1:** "**Vechen hase'ar hamedulal mehasafah hatachtonah, af al pi shemutar... hase'ar hamedulal mehasafah hatachtonah, af al pi shemutar, lo nahagu Yisrael lehashchiso, ela megalachin ketzaso kedei shelo ye'akev achilah ushtiyah**" (And so the hair hanging from the lower lip, even though it's permitted... the hair hanging from the lower lip, even though it's permitted, Israel did not practice destroying it, but they shave a bit of it so that it shouldn't hinder eating and drinking). A bit one may, or perhaps one should cut...

**Speaker 2:** He says one conducts oneself.

**Speaker 1:** Yes.

#### Discussion: What Does "Hinders Eating and Drinking" Mean

**Speaker 2:** I don't understand exactly what you're saying, the lower lip makes eating and drinking. I don't understand the upper lip. Perhaps he's referring to both?

**Speaker 1:** Ah, he means the sides. One doesn't conduct oneself to cut the mustache? Ah, could be. I remember that the Muslims have a custom specifically to cut.

**Speaker 2:** No, but the upper one is mainly what hinders eating and drinking.

#### Translation

**Speaker 1:** I wonder because there are people who think they are pious and they must have huge mustaches, but he drinks milk and meat and he has so many forbidden foods on the upper lip. If anything, he should be careful about his beard, so he shouldn't have to make a whole cleaning job every time between drinking coffee and... I mean we need to warn the Jews about this.

**Speaker 2:** No, today there is a great prohibition, it's because of the...

**Speaker 1:** It's not a great prohibition, I see that it's actually a great virtue to trim, not necessarily... The Rambam says that it is the custom to trim. That's what he says, that the custom is specifically... Apparently the custom is yes. And I remember, he doesn't bring the language here, but I remember that it's the language of the Rambam in Sefer HaMitzvos that one should have a beard specifically, because a non-Jew is only forbidden in destruction with a razor. So I ask you, should one trim it? It sounds like something I remember that the Rambam says... Let's see...

**Speaker 2:** Not sure.

#### Discussion: The Rambam's Position – Exempt but Forbidden with Scissors

**Speaker 1:** Yes, the Rambam apparently holds that with scissors it is exempt but forbidden, that's what he brings. The point is, because the Rambam holds that pe'os doesn't simply mean that you have a few pe'os and you may not trim them. Pe'os means the entire beard, but this is how one divides a beard, or how the... This is even just one pe'ah is forbidden, such a stringency. That even if you only trim one side of the beard, you also transgress the prohibition. But, I remember... Yes, go check yourself.

#### Discussion: Muslim Custom and Jewish Custom

**Speaker 1:** I mean the Muslims have a custom to trim the mustache, because of this the Jews... I mean this is what the Rambam brings that the custom is specifically to leave it, a non-Jew is permitted, it's in order to show that you are a Jew. Not from idolatry, but there is still another matter of showing that he is a Jew.

**Speaker 2:** What?

**Speaker 1:** Yes, I mean if I remember, there is a Muslim custom to trim the mustache, yes. Yes. So the Jews trim a little, it should be clean, but not as much as the Muslims. Yes. Usually, most Muslims you see that they trim, they have big beards but no mustache. It's their custom. Yes. Yes. So this is apparently the word. Okay.

#### The Holy Arizal – Prevents Eating

**Speaker 1:** Says the Rambam. It's interesting, the holy Arizal said that one should not trim the entire beard, but he also says that one should trim the mustache. You see that it's very strongly accepted. Yes. It's the same language, "prevents eating." You see that this was so strongly accepted that one trims the mustache a bit. Continue. Okay.

#### Law 11: Removing Hair from Other Parts of the Body

##### Rabbinic Prohibition – In a Place Where Only Women Remove Hair

**Speaker 1:** Yes, now we're going to learn a new law. There's another thing similar to "lo yilbash gever," there's another mitzvah of not following in the ways of the nations. What? The next thing I need to put first. This is perhaps a continuation from before. Let's see.

Okay, says the Rambam, **removing hair from other parts of the body**. There is trimming the hair of the head, the pe'os of the head, but also removing other hair from other parts of the body, **such as the armpit, the pubic area**, and other places where hair grows, **is not forbidden from the Torah but from the words of the Sages**. Not forbidden from the Torah, only from the words of the Sages. One must now learn the Rambam's explanation, that what it says that "lo yilbash" means removing the hair is from the words of the Sages. **And one who transgresses receives lashes of rebellion**. What is this? Whoever transgresses receives lashes of rebellion for transgressing a rabbinic prohibition.

##### So That He Should Not Adorn Himself Like Women

**Speaker 1:** Says the Rambam, **when are these words said? In a place where only women remove hair**. There where the custom is that only women remove the hair, then it is a rabbinic prohibition to remove it for men. Why? **So that he should not adorn himself like women**, so that a man should not make the adornment of women, he should not beautify his body as women do.

**But in a place where men also remove hair**, in places where the custom is that men also remove hair, **if he removed it they do not strike him**.

Because the lashes, the rabbinic prohibition is not simply that one may not trim the hair, but that one may not trim the hair like women. But if all men trim the hair, or not all men, but there are men who also do it, then there is no longer this prohibition.

#### Laws of Idolatry – Lo Yilbash, Tattoos

##### Law 11: Removing Hair from Other Limbs – A Place Where Women Customarily Remove Hair

**Rambam: "Removing hair from other parts of the body, such as the armpit and pubic area - is not forbidden from the Torah but from the words of the Sages, and one who removes it receives lashes of rebellion. When are these words said, in a place where only women remove it, so that he should not adorn himself like women, but in a place where men remove the hair, if he removed it they do not strike him."**

**Speaker 1:** But in a place where women customarily remove the hair, in places where the custom is so, even women remove the hair, if he removed it they do not strike him. Because the lashes, the rabbinic prohibition is not simply that one may not trim the hair, but that one may not trim the hair like women. But if all men trim the hair, or not all men, but there are also men who do it too, then there is no longer this prohibition.

##### Rema: Permitted to Remove Hair from Other Limbs with Scissors Everywhere

**Rema: "And it is permitted to remove hair from other limbs with scissors everywhere."**

**Speaker 1:** Says the Rema, "and it is permitted to remove hair from other limbs with scissors everywhere." With scissors specifically, not with a razor? Ah, perhaps it's not the custom that they do it with a razor. Perhaps the opposite, perhaps he means to say that removing hair from the armpit and pubic area means with a razor also, but with scissors one may even there always? Even everywhere. Yes, but this is speaking about with a razor. With scissors one may everywhere, even in a place where only the women do it, that is a custom with a razor, but without a razor, with scissors, one may. This is apparently the interpretation. Very good.

##### Law 12: A Woman Should Not Adorn Herself with Men's Adornments – The Language of the Verse

**Speaker 1:** Okay, now the Rema brings the language of the verse. Where does the prohibition stand that men should be like women? The verse is "lo ta'adeh." "Adah" is a language of jewelry, yes, ornaments. It's not exactly the language of the verse, but anyway. Ornaments, yes. "Lashto ish edyo alav," jewelry. A person should not adorn himself with women's jewelry, "adah ishah." And conversely, a woman should not put on men's jewelry.

##### A Woman Who Shaved Her Head Like a Man

**Rambam: "Such as if she puts on her head a turban or hat, or wears armor and the like, or shaves her head like a man."**

**Speaker 1:** Such as if she puts on her head a turban or hat, puts on a shtreimel, I don't know, a hat, or wears armor, or puts on armor, a breastplate, and the like, which are men's garments. Or shaves her head like a man, or... It's not forbidden for a woman but to make herself like a man is forbidden. Very interesting. What you could say before that a woman may, must make herself equal, but here there is a prohibition to make herself equal like a man. This is apparently the reason, or one of the reasons, why this is the engine of the law, that there are other laws about cutting hair.

##### A Man Who Wears Colorful Garments and Gold Jewelry

**Rambam: "And a man should not adorn himself with women's adornments, such as if he wears colorful garments and gold jewelry in a place where only women wear those garments and put on those"**

## **ornaments, everything according to the custom of the country."**

**Speaker 1:** Says the Rambam further, the same thing, "and a man should not adorn himself with women's adornments, such as if he wears colorful garments, he should not put on white golden robes, I mean women's clothing, or gold jewelry." What does "and jewelry" mean? An ornament. "Chali" is a ring or an adornment. Yes, a gold ornament. Do you remember somewhere else where there is a language "chali zahav"? "Chamika yarchik kmo chala'im."

"In a place where only women wear those garments, this is women's jewelry, in a place where only women go with this type of ornament, a man may not put on this ornament, everything according to the custom of the country." This has to do according to the custom of the country. If in the region it is so accepted that only women or only men, the other, the opposite gender, may not put on these garments.

### **Rambam in Sefer HaMitzvos – Reasons for the Commandment**

**Speaker 1:** So here the Rambam doesn't say, but the Rambam in Sefer HaMitzvos actually says that the commandment was also the custom of idolatry, they used to do it also for lust, for mixing men and women, but it was also a matter of... The Rambam brings that the nations used to do this for both reasons, one to arouse lust and corruption, and also for idolatry, it was some way in idolatry, I don't understand why. So the virtue of this is included, but you also see that it comes in further, it has laws of how a Jew dresses. A Jew dresses, a part of how a Jew dresses is a man goes with men's clothing etc.

### **Precision in the Language of the Verse**

**Speaker 1:** Says the Rambam further, "a man...". By the way, there is no verse "lo ta'adeh ishah adi ish," the verse says "lo yihyeh kli gever al ishah." Always made the prohibition.

What is the meaning? Yes, actually what is the meaning? Why does the Rema make this language? I don't know. "Lo yitaken gever" it says, in another place it says "lo yilbash gever simlat ishah." What is this language? It's not from the Targum. Let's see Targum Onkelos. "Lo yitaken," no, no. "Adi." I don't know where this language comes from at all. Perhaps in the Gemara this language appears, or something like that. I don't know. It sounds like it's a language from the verse, but it turns out it's not.

### **Law 13: Plucking White Hairs / Dyeing One's Hair**

**Rambam:** "A man who adorned himself with women's adornments, and a woman who adorned herself with men's adornments - receive lashes. One who plucks white hairs from among the black ones from his head or beard, once he plucks one hair he receives lashes, because he adorned himself with women's adornments. And similarly, if he dyed his hair black, once he dyes one white hair he receives lashes."

**Speaker 1:** Says the Rema further, "a man who adorned himself with women's adornments." I'm still going. Yes, a man who put on women's garments or jewelry, or conversely, a woman who adorned herself with men's adornments, receives lashes. Comes garments. Says the Rema further, "one who plucks white hairs from among the black ones," someone who takes out, he has black hair, he takes out the white hair that grows in, "from his head or beard," is this a matter of "lo

yilbash," because he wants to look... A woman doesn't have a beard at all, but in any case, it's a kind of way of beautifying oneself which is a women's thing. Ah, "from his head or beard." "Once he plucks one hair he receives lashes, because he adorned himself with women's adornments."

### **Discussion: Is There a Custom of the Country Here?**

**Speaker 1:** On this the Rema doesn't say with the language "customarily," but it's a reality like a woman. Okay, on this the Rema doesn't say with the language "customarily." Okay, perhaps this is a custom. A woman doesn't have a beard at all. Okay, perhaps this is a custom. But the thing of making oneself beautiful is a women's custom. Yes, a man may not be beautiful.

"And similarly if he dyed his hair black," if a man paints his beard black, "once he dyes one white hair he receives lashes." On this the Rema doesn't say a custom of the country. He says, it doesn't say. I mean the poskim speak about this, that on this there is also a custom of the country. It doesn't say, I'm just saying that it doesn't say.

### **Law 14: Tumtum and Androgynous – The Stringency of Both**

**Rambam:** "A tumtum and androgynous - does not cover like a woman, and does not shave his head like a man, and if he did so he does not receive lashes."

**Speaker 1:** Says the Rema further, "tumtum." This is a thing that always is the custom, or almost always. Here we have a big problem, if a man may not do like a woman and a woman may not do like a man, tumtum would have to remain undressed, because putting on women's clothing he cannot, if he is a male it's difficult, you would have wanted the Gemara to say. But what actually happens? What does one do? "Lo yilbash gever simlat ishah and lo yilbash ish," so what then does he do? He needs to wear certain other garments. He goes with long hair? He goes with open long hair? I don't know, a very funny case.

### **Discussion: The Difficulty of the Stringency of Both**

**Speaker 1:** He is yes, he is yes doubtful, he is yes with the stringency of both. He is the stringency of both. He may not dress like a man, he may not cut his hair, he must go with long hair, but he also may not dress to cover his hair like a woman, because then he is... It's that we don't want him to mix. This is perhaps more a practical thing. He brings that it could be that it's more a practical thing, that he needs to be clear that he is a strange creature. Because if not he will go and be mistaken.

Says the Rambam, we are careful about this that there should not be this fluid thing, that which is not yet clarified. It must be very clear, you are a species unto yourself. He is a tumtum, he is an androgynous, he is not a man and not a woman. So essentially he is obligated for both. He may not... Okay, he may not dress because he is perhaps a woman, he may not dress because he is perhaps a man. Correct, we saw this before, that he has both stringencies. But he asks you, the Baal HaLevush asks, it's very difficult to fulfill both stringencies, because the only way how to do it is to have a third type of garment, which is the garment of tumtum. Because if not, he puts on a wig, he is perhaps a man who goes in the way of a woman. He puts on a hat, he is perhaps a woman who goes in the way of a man. What will he do? He has a Torah prohibition. And it actually comes out so, that's how it comes out.

But the Rambam says one thing, what is the whole thing with a doubt? For a doubt there cannot come any lashes. But in any case it stands in the laws, and in any case it stands in the laws that a tumtum it's better there shouldn't be, if one can.

#### Law 15: Tattoos

**Rambam:** "The tattoo mentioned in the Torah is that one scratches on his flesh, and fills the place of the scratch with kohl or ink or other dyes that mark. And this was the custom of the nations, who mark themselves for their idolatry, meaning that he is a slave sold to it and marked for its service."

**Speaker 1:** Says the Rema further, now we're going to learn about tattoos, another kind of thing that one does with the body, which the Rambam puts in the same category, also apparently because this is the thing that one does. A tattoo is a Torah prohibition that stands in Leviticus, "and a scratch for the dead you shall not make in your flesh and a tattoo you shall not make on yourselves." How is a tattoo? It is that one scratches on his flesh, he makes a scratch in the flesh, and fills the place of the scratch, and he puts in the scratch... He fills in the scratch... In the scratch he fills in... Tattoos, yes, this is how one makes a tattoo, one scratches into the body and puts there paint, one puts there kohl or ink, one puts there paint or a...

#### Reason for the Commandment – They Are Servants and Not Servants to Servants

**Speaker 1:** Scratches and marks. Says the Rambam, and this is the custom of the nations who mark themselves for their idolatry, meaning that he is a slave sold to that idolatry. One cuts in like on a slave one writes so, like we know the... When Jews were enslaved, they scratched into their body like this, like on an animal, like "kivnei maron," one puts the number on the animal. One wants to make a person that he is not a person, he belongs to someone.

They used to do it for their idolatry, and therefore, why shouldn't the Torah say that one should make a tattoo of Judaism? No, a Jew is not a slave. A Jew has the privilege to be able to serve the Almighty, and not any... "They are My servants and not servants to servants." I am an owner, not servants. So the matter of tattoos is that we are not servants of Hashem like the slaves.

#### Digression: "To Which Rebbe Do You Belong?"

**Speaker 1:** When one asks someone, to which rebbe do you belong? He should say, "I don't belong." Why? If yes, there is a question of tattoos. Perhaps a tattoo means when one writes in their "anshei shlomeinu" book. This is a modern tattoo. Okay, okay.

#### Law 16: Writing Without Tattooing / Tattooing Without Writing

**Rambam:** "And from the time he marks with one of the marking things after he scratches, in any place on the body, whether man or woman - receives lashes. If he wrote and did not mark with dye, or marked with dye and did not write with a scratch - is exempt, until he writes and tattoos, as it says 'and a tattoo.'"

**Speaker 1:** Says the Rambam, "the prohibition is in writing and marking with one of the two marking things, after he scratches." When one writes with the scratch, one writes in with the ink in the scratch, "in any place on his body, whether man or woman, receives lashes." Yes, this is forbidden.

**The Rambam continues, "kasav v'lo ka'aka", what happens when one made such a scratch, "v'lo rasham b'tzeva"? But he didn't put it in. Ah, what does "kasav v'lo ka'aka" mean? He wrote with a scratch. He made such a scratch? Yes. But he didn't put in any dye. Or he put dye, but he didn't write with a scratch, such a tattoo that isn't deep in the skin, "patur". "Until he writes and scratches". So, one must have "ketovat ka'aka". "Ka'aka" means the scratching, "ketovat" means the writing on it with paint.**

#### Discussion: Does "patur" mean patur but forbidden?

**Speaker 1:** Is this "patur" also patur but forbidden? If I write with a marker on a person, is it rabbinically forbidden? The mothers used to be very angry, but it seems this isn't related to ketovat ka'aka. "Patur" usually means patur but forbidden. No, this is a principle in stringencies. Even though we've seen several times where it says in the Rambam "patur", and it meant patur but forbidden. I don't know if he's here now too.

I'll see what he says, he probably brings such things.

How does he say it here? "Ad she'yichtov v'yeka'ake'a"? It's not clear.

## Chapter 12: Prohibitions of Imitating Idol Worshippers (Continued)

### Law 16: Ketovat Ka'aka – The Law of the Recipient

Is this a principle in Nachalas Sheva. Earlier we saw several times where it says in the Rambam "patur", and it meant "patur but forbidden". I don't know if here too. I want to see what he says. He probably brings such things. How do we see it here? "Ad she'yichtov v'yeka'ake'a". It's not clear. Okay.

The Rambam continues, who is liable? The writer, the tattoo maker. "Aval zeh she'kasvu al besaro v'chayotza bo" – the person on whom a tattoo was made – "eino chayav ela im siya" – this is interesting. The prohibition is to look like a gentile, but the actual prohibition is the doing. So the person on whom a ketovat ka'aka was made is only liable if he helped "kedei she'ya'aseh hama'aseh". But "im lo asah klum ela yashav lo ad she'kasvu alav, eino lokeh". Okay. Until here.

### Law 17: Seret L'nefesh

Next, the next prohibition is "seret l'nefesh". The Rambam says, "hashoret seritah achat al hamet" – someone died and he tears into his body. "V'seritah" – the Rambam will say what this means. "V'seret l'nefesh lo titnu b'vesarchem". The prohibition is "echad Yisraeli v'echad kohen". Why would one think otherwise? Because it's written next to a kohen. It's written next to a kohen, but it also means for a Yisraeli. We learn that even yes.

### Innovation: Five Scratches – Five Intentions Make Five Prohibitions

The Rambam says, "sarat seritah achat al chamishah mesim, o chamesh seritos al met echad, lokeh chamesh". He is liable for each deceased person on whom he makes a scratch, and for each act of scratching. So if one makes one scratch for five deceased, he makes one action. Okay, but it has five intentions. Five intentions can be five prohibitions. But why does it say "seritah"? It's one scratch, it was made for the first deceased, and afterwards he already sinned all the other four.

No, he sinned all of them. From here one can learn that one can give a name after two other grandfathers at once. One can light one candle for several deceased.

Okay, but why does it say "seritah al met echad lokeh chamesh"?

Ah, because it says "**v'Yisrael al kol achat v'achat**". For the scratch they warned him by each deceased.

### **Law 18: Gedidah and Seritah – The Connection to Idol Worship**

#### **Discussion: Seritah for the Deceased and Seritah for Idol Worship**

Like the Rambam... but okay, here we're talking about idol worship.

Yes, yes. It was a way, a path of entering into devotion, I don't know what...

By the Shiites there is. And they conduct themselves this way.

Yes. Perhaps it's for the deceased, because they mourn their dead deities.

It could be it's both. Perhaps it's an imitation of both. Perhaps that's why the gentile must do it, because you see there that he says "ulai yifgenu", perhaps he runs, how does one worship the god? One scratches oneself, one does! The Gemara says there, the Torah forbade two types of seritah for the deceased and two types of seritah... but there's obviously a difference. Seritah for idol worship is seemingly much harsher, because it's much more connected to idol worship. But both are punished. It could actually be that it mixed with the sects. It could be that it always had something to do with, some kind of... that god died, and then he mourns for him, and there can still be various types.

#### **Innovation: The Custom of Idol Worship – With an Instrument; For the Deceased – Without an Instrument**

Those of the deceased is what an individual does, what a group does, an individual is punished, idol worship in a group an individual is liable for lashes, idol worship in a group an individual is exempt. This is seemingly simple, he brings that the custom was so.

But it says "lo titgodedu", which means either way, and "lo titgodedu" means... no, it's very simple that perhaps the language "gedidah", even the Rambam says "gedidah" which precedes you, that the language "gedidah" perhaps means with an instrument. But it says "**vayitgodedu k'mishpatam b'charavot uv'rmachim**", something like that. Yes. It could be that this is simply the custom, the custom of idol worship is done with an instrument for a deceased, it's done without an instrument, therefore one only transgresses in the manner that was the custom of the gentiles, the custom of idol worship.

### **Law 19: Lo Titgodedu – Do Not Make Separate Groups**

#### **Innovation: Two Courts in One City – The Rambam's Position**

The Rambam says an interesting law, that the Sages interpreted "lo titgodedu" in another way. There are many times when there are several interpretations of a verse, the Rambam brings, all can be from the Torah, as yesterday we learned regarding lo techanem. The Rambam says, "**bichlal azharah zo shelo yihyu shnei batei dinin b'ir achat, zeh noheg k'minhag zeh v'zeh noheg k'minhag acher, shedavar zeh gorem l'machlokes gedolah**". This will cause a great dispute, that there should be two customs. "**V'hu**

**she'amar 'lo titgodedu', shedareshu Chazal 'lo ta'asu agudos agudos**".

Very interesting, one must indeed think whether the agudos agudos has some connection to idol worship. It's an aspect of idol worship, as that one says, one God, one rabbi. Yes, there's a lot, all Jews serve one Creator and eat one food and wear one garment, yes.

#### **The Rambam Against Other Rishonim**

It's very interesting, because in the Gemara there is, one can't go into it, there's a long elaboration in the commentators, but in the Gemara there is that two courts in one city is completely permitted. That is, "lo titgodedu" is in a place where there will be a dispute, that one Jew does this way and two do that way, therefore it's forbidden. But it stands according to the implication in the Gemara, as other Rishonim learn from it, that if there are two courts, that one knows I'm a Vizhnitzer and that one is a Belzer, there's no contradiction. It's like two cities.

But the Rambam learns the opposite, the Rambam says here, two courts, that's the prohibition, that there should be in one city, because that's the greatest dispute. That you're a Belzer and I'm a Poper, and well, they're not both Jews. There are those who argue that people have a need for dispute, and when not two great disputes, because among every ten people there will be two disputes. The Torah scholars increase peace in the world, because they take in all the small disputes, it becomes one big party, and in the party they don't fight. But the Rambam doesn't say so. The Rambam thought about the Sanhedrin many times, he saw very much against the subject. It's very important that there should be one court. The Rambam occupies himself a lot that all Jews should go with the same law. The Rambam held very strongly that it's from the foundations of the Torah that there should be one court that leads. Jews should have one approach, one way how one does.

It's nothing, he was completely right, but... it didn't help, disputes remained one with the other. Now he makes disputes with whoever goes differently from me. The Rambam says further, let's not make what comes from now. There is the lo titgodedu. Activism is a kind of idol worship. That's right to me.

#### **Innovation: "For the Deceased" and Dispute – A New Interpretation**

Also, ah, it could be that it's like for the deceased, it's a dead thing. Why do I say a new interpretation? It's my interpretation. Why did the rabbi die? Okay, when the great head of the court lived there was one court. When did it happen that the great one died, and now the question begins who is the successor. When Judaism is alive, there's exile, there are prophets, there's a court, it lives. And it's dead, everyone divides who is the true heir, who truly understands the Torah, no one understands it better.

### **Laws 20-21: Baldness for the Deceased**

The Rambam continues, baldness. Further what is in the category of... another thing, things that one sees on a person that he's a Jew, that he's an idol worshipper. The Rambam says, "**v'korach korchah al hamet**". For a deceased there is what one cuts into the body, one makes wounds in the body. Another thing is one cuts one's hair, one tears the hair from the head. "**V'lo tasimu korchah bein eineichem lamet**".

"Bein eineichem" here means like tefillin "bein einecha", which means on the front of the head. **"Echad Yisrael v'echad kohan"**. Also in the Gemara it says kohan. **"Echad Yisrael v'echad kohan she'karach lamet, ein lokeh ela achat"**. Here there aren't multiple types of baldness, as there were multiple types of scratches. Here you will say, **"karach arba chamesh krachot l'met echad, mekablin minyan hakrachot"**. How many bald spots, how many places he made baldness, how many he tore out of his hair. But like Israel, kol korchah v'korchah. This is the same thing as before.

#### Method of Baldness – By Hand or With a Chemical

How does one do the baldness? **Echad hakorach b'yad**, he tears out the hair from the head with his hand, **v'echad b'sam**, he does it with a chemical.

#### Innovation: Five Bald Spots at Once – "They All Came Together"

The Rambam says, is it possible, behold he says **"chamesh etzbe'otav b'sam"**, he put his five fingers in a chemical, **"v'hinichon chamesh mekomos b'rosho"**, he placed them on five places, he spread his fingers, and so he went over the head, he made with this five bald spots.

So too one who makes five bald spots, even though they warned him once, it's one action.

He receives five lashes, he receives five, **"sheharei kulon ba'u k'achat"**.

The fact that they all came together makes him liable for five.

It makes the warning, that the one warning should be able to apply to all.

Usually it would have been like five actions, from each finger.

Very good.

#### The Measure of Baldness – Like a Gris

The Rambam says, **v'chiyuvo b'chol harosh shebein einav**.

The first says "bein einav", it doesn't mean specifically other places on the head, **shene'emar "lo tasimu korchah bein eineichem"**.

Other places it says "b'rosham", so when it says "bein einav" it's not specific.

#### V'chamah shi'ur hakorchah?

How much, how big?

#### Kedei sheteira'eh k'gris panui b'lo se'ar.

When hair is torn out as big as a gris, which is a kind of bean, a kind of seed, if the size of what has torn out hair and remains empty of hair, that's the measure of baldness.

#### Law 22: Baldness and Scratching – Only for the Deceased

The Rambam continues, **hakorach rosho**, ah, the law is, the baldness must be for the deceased.

But **im talash se'ar rosho stam kach, o al tzarah acheret**, or for another trouble, either baldness or scratching, but it's forbidden from the Torah.

If al tifnu el hashedim v'hayelidim, he's exempt.

The Torah doesn't say, seemingly exempt, Rabbi Avraham also says, there's no way, I can't place it, but exempt.

**V'eino lokeh ela al met bilvad, o al seritah la'avodah zarah**.

Ah, the explicit idol worship for baldness doesn't exist for idol worship, seemingly.

It's a custom, this is what the Rambam also admits that baldness is a custom of vanities, and the Torah forbade it because the gentiles conduct themselves with such vanities, something like that.

#### Law 23: General Rule – Law of Baldness/Scratching/Tattoo on Another

The Rambam continues, **hakorach korchah b'rosho shel chavero**, one tears out another's hair, this is all the laws.

**The flesh of his fellow, this is a doubt whether he's liable for lashes on his fellow's flesh, and if his fellow assists him, both are intentional, both receive lashes if they warned him.**

If the recipient helped.

**V'echad shogeg v'echad meizid**, one is unintentional and one is intentional? **The intentional one receives lashes for the unintentional one completely.** We don't say that because for example the one shaved was unintentional, automatically the shaver isn't liable. If he's intentional he's liable.

#### General Rule for the Entire Chapter

All the laws of this chapter have the same law, that it's something that's done to the person, he doesn't do it himself, but the one who does it is liable. But the one to whom it's done is also liable if he assists, and this will be a negative commandment with an action, and he receives at once for all five commandments the same thing.

#### Conclusion of Laws of Idol Worship: Law of Unintentional and Intentional, and the Great Principle of the Chapter

##### Law of Unintentional and Intentional in Shaver and Shaved

And there's unintentional and there's intentional. Ah, what if one is unintentional and one is intentional? The intentional one receives lashes, and the unintentional one brings an offering. We don't say that because, for example, the one shaved was unintentional, automatically the shaver isn't liable. If he's intentional, he is liable.

##### The Great Principle: All Laws of the Chapter Built on One Foundation

All the laws in this chapter have the same law. It's something that's done to the person's body, and it's not done to oneself. The one who does it is liable, but the one to whom it's done is also liable if he assists. This is a negative commandment with an action. One receives at once for all five commandments the same law, or six commandments, however many commandments there are.

##### The Deep Matter: How a Jew Should Look

But it's interesting, this is all laws of how a Jew should look. He doesn't cut his sideburns, he doesn't destroy his beard, he doesn't wear women's clothing, he doesn't make a tattoo, he doesn't make a scratch, he doesn't make baldness. These are all five things how a Jew's body looks, different from idol worship. And this is the end of the Laws of Idol Worship. Blessed is the Merciful One who helped.

##### Conclusion

Blessed is the Merciful One who helped. May the Almighty shouldn't scratch ourselves.  
help us that we should have proper sideburns, and we Yes, yes. Wonderful.

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