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Chagigah Daf 23

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**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

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## Decree is Limited to the same Situation as the Original Incident

The Mishna had stated: One may carry terumah while he is carrying a midras (*objects that became tamei when a zav, zavah or niddah place their weight on them – they are classified as an av hatumah and have the ability to contaminate people or utensils*), but one may not carry kodesh while carrying a midras.

The Gemora asks: What is the reasoning for this prohibition?

Rav Yehudah says in the name of Shmuel: There was once an incident where a person was transporting a barrel of consecrated wine from one place to another and a strap from his sandal (*which was tamei through midras*) broke off, and he took it and placed it on the top of the barrel and it fell into the airspace of the barrel, and rendered the barrel and the consecrated wine tamei. It was at that time that they said: One may carry terumah while he is carrying a midras, but one may not carry kodesh while carrying a midras.

The Gemora asks: If so, they should have decreed regarding terumah, as well?

The Gemora answers: This Mishna is following the opinion of Rabbi Chananya ben Akavya, who maintains that when a decree was impelled because of a certain

incident, it is limited to the same situation as the original incident, and since it occurred by kodesh, the decree was issued only in regards to kodesh and not to terumah.

The Gemora asks: What was this case?

The Gemora answers by citing a braisa: No man shall carry the waters of purification and ashes of purification across the Jordan River on board a ship, nor may one stand on one side and throw them across to the other side, nor may one float them upon water, nor may one carry them while riding on an animal or on the back of another man unless his own feet were touching the ground. He may, however, convey them across a bridge. These laws are applicable to the Jordan River and to other rivers as well. Rabbi Chananya bar Akavya said: They spoke only of the Jordan River and of transport on board a ship, as was the case in the original incident.

What was the incident? It was that which Rav Yehudah said in the name of Rav: A man was once transporting the waters of purification and ashes of purification across the Jordan River on board a ship, and a piece of a corpse, of the size of an olive, was found stuck in the bottom of the ship. At that time, it was ordained: No man shall carry the waters of purification and ashes of purification across the Jordan on board a ship.

The Gemora inquires: The decree was issued regarding a sandal which was tamei; would the decree extend to one which is tahor (*out of concern that this will lead to carrying one which was tamei*)?

The decree was issued regarding an open barrel; would the decree extend to a closed barrel (*out of concern that this will lead to carrying an open one*)?

The Gemora inquires further: What would happen if one transgressed and did carry kodesh while carrying a midras? Does the kodesh become tamei?

The Gemora presents a dispute regarding this: Rabbi Ila says: It is tamei. Rabbi Zeira says: It is tahor. (22b – 23a)

The Mishna had stated: Utensils that were completed in a state of taharah still require immersion for kodesh, but not for terumah.

The Gemora inquires: Who completed these utensils? If a chaver completed them, there is no necessity for immersion. If an am haaretz completed them, why does the Mishna consider this a case where they were “completed in a state of tahara”?

Rabbah bar Shila answers in the name of Rav Masnah, who said in the name of Shmuel: The Mishna is referring to a case where a chaver completed it, but we are concerned that the utensil became tamei through the spittle of an am haaretz, and that is why an immersion is required.

The Gemora proceeds to analyze this explanation: When did the spittle fall on the utensil? If it fell prior to the completion of the utensil, it cannot become tamei at that time because it is not yet a utensil. He cannot

mean that it fell afterwards because the chaver would certainly be careful that it shouldn't become tamei.

The Gemora answers: Shmuel is referring to a case where the spittle fell on the utensil prior to its completion (*when the chaver was not careful*) and it was still moist at the time of completion (*thus rendering the utensil tamei*). (23a)

The Gemora infers from the Mishna that the utensil which is completed in a state of taharah requires immersion, but it does not require the passage of nightfall. (*A person or utensil that becomes Biblically tamei and immersed in a mikvah is required to wait until the passage of nightfall to become completely tahor. After the immersion and prior to nightfall, he is referred to as a tevul yom.*)

The Gemora states: The Mishna is not in accordance with Rabbi Eliezer. We have learned in a Mishna in Parah (5:4): Regarding a reed tube that one cut for putting the ashes of the Parah Adumah in it, Rabbi Eliezer says that he should immerse it immediately and Rabbi Yehoshua says that he first should render it tamei and then he should immerse it. [This was done in order to negate the opinion of the Sadducees who maintained that the person burning the Parah Adumah and all its utensils must be completely *tahor*, i.e. having experienced nightfall. The Chachamim disagreed and maintained that even a *tevul yom* is valid to perform the services of the Parah Adumah.]

And the Gemora had asked: Who could have cut it? Should you say that a chaver cut it, then why is immersion required? If, on the other hand, an am haaretz cut it, how can Rabbi Yehoshua, in such a case, say that it must first be rendered tamei, and then immersed? Behold, it is already tamei! And Rabbah bar



Shila answered that Rav Masnah said in the name of Shmuel that actually, you can say that a chaver cut it, yet immersion is required on account of the possibility that the spittle of an am ha-aretz fell upon it.

The Gemora analyzes further: When could it have fallen upon it? Should one say before he cut it, then it is not yet a vessel! If, on the other hand, after he had cut it, he would surely take good care of it!

The Gemora explains: Actually, you can say that it fell on the vessel before he cut it, but perhaps at the time that he cut it, it was still moist.

The Gemora concludes: It is understandable according to Rabbi Yehoshua that the utensil is rendered tamei first as a demonstration against the Sadducees since the utensil will be used despite the fact that it is a *tevul yom*; but according to Rabbi Eliezer, how is using this utensil that has not been contaminated negating the Sadducees viewpoint? If we will say that every utensil completed in a state of taharah requires the passage of nightfall, then it is understandable how we are repudiating their opinion because we are using this utensil after immersion, but prior to nightfall, despite the fact that it is a *tevul yom*; however, if every utensil completed in a state of taharah does not require the passage of nightfall, using this utensil will not serve as a demonstration to negate the Sadducees viewpoint. It is evident that Rabbi Eliezer maintains that every utensil completed in a state of taharah requires immersion and the passage of nightfall, and this is the proof that our Mishna does not follow Rabbi Eliezer's opinion.

Rav said: Perhaps our Mishna is in accordance with Rabbi Eliezer. Even though every utensil completed in a state of taharah does not require the passage of

nightfall, the tube cut for the Parah Adumah will require the passage of nightfall in order to be considered completely tahor since the Chachamim considered it like something that became tamei from a sheretz.

The Gemora asks: But if so, the tube should not have the capacity to contaminate a person! How, then, could we have learned in a braisa that the one who cuts and immerses the tube requires immersion?

And if you would rather say that they regarded it as a corpse-contaminated object; it can be asked that it should then (in order to become tahor) require sprinkling on the third and seventh day of its purification process. Why, then, did we learn in a braisa that that the one who cuts and immerses the tube requires immersion? This indicates that it is immersion alone which is required, but there is no necessity for the sprinkling on the third and seventh day of its purification process.

The Gemora answers: Rather, they regarded it as a corpse-contaminated object on the seventh day of its purification process.

The Gemora asks: but it was taught in a braisa that the Rabbis never innovated anything new with respect of the preparation of the parah adumah (and this would seem like an extreme innovation – that the tube is regarded as a corpse-contaminated object even though the highest standards of taharah were established for it)?

Abaye said: The braisa meant as follows: They never said that a spade should be rendered tamei as a seat of a zav, as it was taught in a braisa: The verse about this seat refers to "*any utensil which he [the zav] will sit*



on...," teaching that it only becomes impure as a seat when it is meant to be sat on. However, if he sat on a measuring vessel, it is not considered a seat, since he will not sit on it in the future, as people need it for measuring. (23a – 23b)

## INSIGHTS TO THE DAF

### JUSTIFYING A CUSTOM REGARDING GEBROCHTS

Shoel U'meishiv (I: 1:130) issues a novel ruling based on our Gemora.

The Mishna had stated: One may carry terumah while he is carrying a midras (*objects that became tamei when a zav, zavah or niddah place their weight on them – they are classified as an av hatumah and have the ability to contaminate people or utensils*), but one may not carry kodesh while carrying a midras. The Gemora asks: What is the reasoning for this prohibition? Rav Yehudah says in the name of Shmuel: There was once an incident where a person was transporting a barrel of consecrated wine from one place to another and a strap from his sandal (*which was tamei through midras*) broke off, and he took it and placed it on the top of the barrel and it fell into the airspace of the barrel, and rendered the barrel and the consecrated wine tamei. It was at that time that they said: One may carry terumah while he is carrying a midras, but one may not carry kodesh while carrying a midras. The Gemora asks: If so, they should have decreed regarding terumah, as well? The Gemora answers: This Mishna is following the opinion of Rabbi Chananya ben Akavya, who maintains that when a decree was impelled because of a certain incident, it is limited to the same situation as the original incident, and since it occurred by kodesh, the

decree was issued only in regards to kodesh and not to terumah.

The Shoel U'meishiv says: The obligation of eating matzah on Pesach, which is *lechem oni*, poor man's bread (*water and flour*) is only on the first night of Pesach and not any other nights or days, including the second night. Eating *lechem oni* is because the Jewish people baked the dough before it had a chance to rise on the way out of Egypt. Since the mitzvah is based upon that incident and that occurred on the night of the fifteenth of Nissan, that is the only night that we have this obligation.

We know when the night of the fifteenth is, and we are not uncertain regarding the days of the new month. The Chachamim instituted that we must observe two days of Yom Tov since that is what they did in the times of the Beis Hamikdash. Accordingly, we must fulfill all mitzvos on the second night, as well. However, that is only regarding mitzvos that if we wouldn't fulfill, it would be degrading for the Yom Tov. We are required to eat matzah and marror since otherwise, it would be apparent that we are not recognizing this night as a Yom Tov; however, matzah which is not *lechem oni* would not degrade the Yom Tov at all and therefore it would not be necessary. He cites a Beis Yosef as proof to this.

I heard that this could be the justification for the custom of not eating *gebrochts* only on the first night of Pesach. If the reason for not eating *gebrochts* on Pesach is because there is a concern that it might result in chametz, there is no distinction between the first night and all the other nights; but if the reason is based on *lechem oni*, there can be logic to say that it is only applicable on the first night.