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Kerisus Daf 13

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## Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h Tzvi Gershon ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### ***Within the Time of a Peras***

Ravnai said in the name of Shmuel: For *cheilev* and *neveilah* (one who eats two half-olive-size pieces), he must take (in order to be liable) from the beginning to the end (of the eating) no more time than is required for the eating of a *peras* (a half a loaf of bread – approximately the volume of four eggs; the time is somewhere between three and nine minutes – depending on various views in the *Rishonim*); for *tamei* foods, or *tamei* drinks, he may take even the whole day (in order to become disqualified; the Rabbis decreed that one who swallows food which is *tamei* becomes *tamei* - that he cannot touch *terumah*), providing that it is eaten in the amount of time required for the eating of a *peras*.

The *Gemora* asks: What does this mean?

Rav Pappa explained as follows: Even the whole day (if he eats in total a half-*peras*, he becomes *tamei*), so long as he ate each olive-size within the time required for the eating of a *peras*.

The *Gemora* asks on this from the following *Mishna*: All (*tamei*) foods combine one with the other to half a *peras* to disqualify the body (rendering him *tamei* that he cannot eat *terumah*). Now, does this not mean that he has to eat the entire half-*peras* within the time required for the eating of a *peras*?

The *Gemora* answers: No! The *Mishna* could very well mean that he has to eat each olive-size within the time required for a *peras*.

The *Gemora* asks from the following *braisa*: All (*tamei*) foods combine one with the other to half a *peras* to disqualify the body, providing that he ate it in the time required to eat a *peras*. How is this? If he ate, (*paused*) and then ate again, the *halachah* is that if from the beginning of the first eating until the end of the last eating it is not longer than the time required for the eating of a *peras*, they combine with one another; if it took longer than that, they do not combine.

The *braisa* continues: The Sages did not permit one who ate less than the requisite quantity to immerse (in a *mikvah*); if (after eating less than the required amount that will render him *tamei*) he did descend (into the *mikvah*), immersed and then ascended, and then completed the amount, the eatings combine one with the other.

The *braisa* continues: A pregnant woman is permitted to eat a quantity smaller than the minimum amount, because of the element of danger (once the fetus smells the food and desires it, the life of the mother and the fetus are endangered if she does not eat it).

The *braisa* continues: All (*tamei*) beverages combine one with the other to a *revi'is* (a quarter of a log) to disqualify the body, providing that he drank it in the time required to eat a *peras*. How is this? If he drank, (*paused*) and then drank again, the *halachah* is that if from the beginning of the first drinking until the end of the last drinking is not longer than the time required for the eating of a *peras*, they combine with one another; if it took longer than that, they do not combine.

The *braisa* concludes: The Sages permitted she who has been in contact with one contaminated by a corpse to nurse her baby, and the baby remains *tahor*.

In any event, the *braisa* had stated: If from the beginning of the first eating until the end of the last eating it is not longer than the time required for the eating of a *peras*, they combine with one another. Is this not in contradiction to Ravnai's statement (for according to him, the person is rendered *tamei* if he ate each olive-size within that time frame)? Indeed it is. (13a)

### ***Less than the Required Amount***

The *braisa* had stated: The Sages did not permit one who ate less than the requisite quantity to immerse (in a *mikvah*).

Rav Yehudah explains this to mean as follows: If one ate less than the requisite quantity (*to render him tamei*), he is not permitted to immerse, for if he should eat afterwards to complete the amount, it will combine with his initial eating, and he might assume that the preceding immersion was effective for him; he will not realize that an immersion is valid only at the end. (13a)

## Pregnant Woman

The *braisa* had stated: A pregnant woman is permitted to eat a quantity smaller than the minimum amount, because of the element of danger.

The *Gemora* asks: If there is an element of danger, she should be permitted to eat even more!?

Rav Papa explains that the *braisa* means as follows: She is permitted to eat less than the minimum amount even many times (*by waiting in between each of the eatings*), because of the element of danger. (13a)

## Status of a Woman's Milk

The *braisa* had stated: The Sages permitted she who has been in contact with one contaminated by a corpse to nurse her baby, and the baby remains *tahor*.

The *Gemora* asks: Why is the baby *tahor*? Since it has suckled her milk it should become *tamei* through the milk (*if it drank half a peras*)? [*It does not become tamei through contact with the mother, for she is only a rishon l'tumah – first degree tumah, and Biblically, only an av hatumah has the capability of rendering a person tamei. The milk, however, becomes tamei through its contact with the mother.*] And should you say that it (*the milk*) was not susceptible to *tumah* (*for it is regarded as a food, being that it is designated for the baby, and therefore it needs to come into contact with a liquid before contaminating something else*), I would tell you that it does become susceptible to *tumah* through the drop which moistens the nipple! [*The drop with which the nipple is moistened is not regarded as food, since it remains smeared on the nipple from the beginning, it was never destined to be consumed, and is therefore regarded as a liquid to 'prepare' the rest of the milk for tumah.*]

Rav Nachman answered in the name of Rabbah bar Avuhah: It is referring to a case where the baby suckled with one great pull, so that no drop was formed to moisten the nipple.

Rava said: I have two objections to raise: Firstly, we see that the baby's mouth is filled with milk (*and from that point on, it cannot suck with such a force that no drop will be smeared on the mother's nipple*), and furthermore, the source of the milk (*from the body*) has the status of a 'spring' (*just like saliva and urine from a tamei person is tamei; and therefore, it does not need to become wet in order to become susceptible to tumah*), as we have learned in a *Mishna*: The Sages maintain that with a woman's milk that comes out from her, whether the infant is satisfied with the milk's coming out or not, the milk conveys *tumah*. [*In order for something to become susceptible to tumah it must please the owner that the item came into contact with a liquid, or that the liquid emerged in the first place. In this case, the child is not pleased for that drop of milk that remained smeared on the mother's nipple. The reason, then, for this ruling – that the milk is tamei – is because the milk is regarded as a liquid.*] Regarding the milk of an animal, however, that milk would only convey *tumah* if the milk emerged and the owner desired the milk. [*If the milk that came out from the animal was not desirous to the owner, then that milk would not convey tumah, because that milk is not considered a liquid.*] Now, does this *Mishna* not mean that the child has no pleasure in the emerging milk, and yet it says that it conveys *tumah*! [*Evidently, the milk is regarded as a coming from a spring!?*]

Rather, said Rava: The reason why the baby remains *tahor* is because it is doubtful whether it has suckled the required quantity or not (*if it is a liquid, a revi'is is necessary, and if it is a food, a half of a peras is needed; and although it is in the classification of a spring and it can convey tumah in any amount, here, a minimum measure is required, for the milk cannot have a higher degree of tumah than the mother, and the mother – being a rishon l'tumah – cannot convey tumah through contact*); and even if it did, it is still doubtful whether it was done within the time required for the eating of a *peras* or during a longer period than that (*and due to these uncertainties, we must rule leniently*).

The *Gemora* asks: But how can Rava maintain that the milk-source has the status of a 'spring'? Have we not learned in a *Mishna*: If milk drips from the breast of a (*menstruant*) woman and falls into the airspace of an oven (*where the law generally is that an earthenware vessel acquires tumah through its airspace*), the oven is *tamei*. And it was asked: How did the milk become susceptible for *tumah*? And Rabbi Yochanan replied: It was through the drop with which the nipple is

moistened. [Now, if the milk is from a 'spring,' it should automatically be *tamei* – even without the drop on the nipple!?] And if you say that Rava disagrees with Rabbi Yochanan, has it not been taught in a *braisa*: It emerges that there are nine kinds of liquids which are secreted from a *zav*:

1. Sweat;
2. pus;
3. excrement

They are altogether *tahor* (for they are not significant at all).

4. tears of his eyes;
5. blood of his wound;
6. milk of a woman

These convey *tumah* (to foods and liquids) in the quantity of a *revi'is* as a liquid (but they do not convey *tumah* to a person or utensils).

7. saliva;
8. *zivah* discharge;
9. urine

These convey *tumah* in the smallest quantity.

Now, the *Gemora* asks, if it is correct, as you say, that the milk-source has the status of a 'spring,' then milk as well should convey *tumah* in the more severe manner - even in the smallest quantity, like his *zivah* discharge and saliva!? It is proven from here that the milk-source of a woman is not the status of a 'spring.'

The *Gemora* asks: But, then, how would we answer the *Mishna* in which Rava cited that the woman's milk conveys *tumah* whether the infant is satisfied with the milk's coming out or not? [If it is not classified as a 'spring,' then how can it transmit *tumah* without the child being satisfied? It cannot become *tamei* without first becoming susceptible to *tumah*!]

The *Gemora* answers: Do you indeed think that 'not satisfied' means that the child said (through an expression) that he has no pleasure from it? No! 'Not satisfied' means that the child did not indicate that he is pleased with it, (but we assume that he does want it) for it is accepted that the child has a liking for the milk; but if the child indicates that he has no pleasure in it, it is indeed *tahor*. (13a – 13b)

## Drinking

The *Mishna* had stated: If one ate *tamei* food etc. [drank impure liquids, or drank a *revi'is* – fourth of a log of wine, and then entered the *Beis Hamikdash* and stayed there for the time it would take to eat half a loaf, he is liable.]

Rav Yehudah explains the *Mishna* to mean as follows: If one ate *tamei* foods or drinks *tamei* drinks, or if a *Kohen* drinks a quarter of a log of wine, spending in the eating or drinking the time required for the eating of a *peras*, and then enters the Temple, he is liable.

The *Gemora* cites a *braisa*: Wine and intoxicating drink you shall not drink. I might have thought that any quantity (if he drinks and enters the Temple he would be liable), and even if it was taken from the press; therefore the Torah states: *intoxicating drink*; he is liable only if the quantity and the type of wine suffices to make him drunk. How much is the quantity capable of causing intoxication? A *revi'is* of wine which is (at least) forty days old. So why then has 'wine' been mentioned? It is to tell you that one is warned in regard to the smallest quantity, and one is warned also in regard to wine drawn from the press (although he would not incur the death penalty for it).

Rabbi Yehudah says: It states: 'wine'; from here we know only wine. From where do we know other intoxicating drinks? It therefore says: *and intoxicating drink*. So why then has 'wine' been mentioned? Wine involves the death penalty; other intoxicating drinks involve only a warning.

Rabbi Elozar says: Wine and intoxicating drink you shall not drink. You shall not drink it in the manner which causes intoxication; if, however, he pauses (during the drinking) or dilutes it with any quantity of water, he is exempt.

The *Gemora* explains the dispute: The *Tanna Kamma* holds that we derive (through a *gezeirah shavah*) from *nazir*, by the common expression of 'sheichar,' 'sheichar.' [Just as there it refers to wine only, so too here, it refers only to wine.] Rabbi Yehudah does not derive this *gezeirah shavah*; while Rabbi Elozar holds that 'sheichar' implies something intoxicating.

The *Gemora* asks: With whom does that which was taught in the following *braisa* comply: One who eats preserved figs from Ke'ilah, or drinks honey or milk, (and becomes intoxicated) and then enters the Temple and performs a service, is liable?

The *Gemora* answers: it is with Rabbi Yehudah (who holds that one is liable even for other intoxicating drinks besides wine).

Rav Yehudah bar Achosai: The *halachah* is in accordance with Rabbi Elozar, and Rav spoke of Rabbi Elozar as the "Most Fortunate of the Sages."



Rav Acha of Hutzal took a vow in regard to his wife (*that he would not derive benefit from her*). He came before Rav Ashi (*to have it annulled*). Rav Ashi said to him: Go now and come back tomorrow (*since he had eaten and drank*), for Rav would not place an announcer at his side (*who announced his rulings to the public*) from the beginning of the Festival (*after the first festive meal*) until the following day, on account of intoxication. Rav Acha asked him: But didn't Rav say that the *halachah* is in accordance with Rabbi Elozar, while you dilute your wine with water? Rav Ashi replied: There is no difficulty, as his ruling refers to a *revi'is*, whereas I had more than a *revi'is* (*and then it intoxicates even if it is diluted*).

The *Gemora* cites a *braisa*: *And that you shall distinguish between the sacred and the nonsacred*; this refers to vows of worth, or vows of valuation, or *charamim* or consecrations (*one who drank wine cannot be involved in the valuation, for he might make a mistake*); '*between the tamei and the tahor*' refers to the laws of *tumah* and *taharah*; '*and to rule*' refers to rulings (*concerning permitted and forbidden things*); '*all the statutes*' refers to lectures; '*which Hashem has spoken to them*' refers to traditions passed on; '*through Moshe*' refers to the *Gemora*; I might include also the *Mishna*; therefore it says: *and to rule (and the study of Mishna does not lead to halachic rulings)*.

Rabbi Yosi ben Yehudah says: I might include also the *Gemora*; therefore it says: *and to rule (and the study of Gemora does not directly lead to halachic rulings)*.

The *Gemora* asks: According to whom is that which has been taught in the following *braisa*: Excluded is the decision that a *sheretz* is *tamei* and a frog is *tahor*, which (*such rulings*) may be given also by one who is intoxicated with wine? May we assume that it is in accordance with Rabbi Yosi ben Yehudah's view (*who permits teaching Gemora after drinking wine*), and not with that of the Rabbis?

The *Gemora* answers: It may even conform with the view of the Rabbis, for this issue is so simple that one may say, "Go and learn it at school."

Rav said: The *halachah* is in accordance with Rabbi Yosi ben Yehudah.

The *Gemora* asks: But surely Rav did not place an announcer at his side (*who announced his rulings to the public*) from the beginning of the Festival (*after the first festive meal*) until the following day, on account of intoxication?

The *Gemora* answers: Rav was different, for he also issued rulings in his lectures.

The *Gemora* asks: But then why not place an announcer who will not issue any rulings?

The *Gemora* answers: Where Rav sat it was impossible to avoid giving *halachic* decisions. (13b)

## INSIGHTS TO THE DAF

### *Eating and Drinking*

The *Gemara* states that when the *Torah* forbade a *Kohen* from entering the *Beis HaMikdash* after drinking wine, that wine had to have been at least 40 days old and he had to have drunk at least  $\frac{1}{4}$  *log*, without interruption. Such wine is deemed to be intoxicating. The *Gemara* also derives from a verse to distinguish between wine that intoxicates, and other intoxicating beverages, and raises the case of one who eats intoxicating dried figs.

The *Rambam* does not rule on the case of the dried figs, and indeed, we do find that drinking is deemed to be included in eating, but we never find eating to qualify as drinking.

*Tosafos* (*Shevuos* 23a) notes that since eating is always the major source of sustenance vis-à-vis drinking, the words "do not drink" must be read as referring generally to intoxicating substances, which would include eating.

However, the *Avodas Aharon* (2:2) suggests that even if a general reference to drinking cannot exclude eating, the drinking of a *Kohen* has an added dimension which requires that the drinking be intoxicating. That could never be found in eating, and that may be why the *Rambam* leaves out intoxicating dried figs.

Kehilas Prozdor cites the *Hisorerus Teshuvah* (3:323) who ruled that where one was unable to eat, but was able to drink wine, he should make *Kiddush* over wine, and then drink another  $\frac{1}{4}$  *log* of wine (the second to fulfill his meal requirement) and if, when reciting the *brachah acharonah* – *al hagafen*, he were to leave out *retzei*, he would be required to repeat the *brachah*. Usually, one need not repeat it because there is no obligation to drink wine. However, here he did have an obligation, in order to fulfill his '*kiddush* in the place of his meal' requirement.

explained in *Sefer HaChinuch*, mitzvah 313; and see Responsa *Cheishev HaEifod*, 71, and *Tzitz Eli'ezer*, VI, 12).

We emphasize as usual that in every case one should ask a *rav* as to how to act in practice, as even Rabbi Chayim only permitted such if "it helps the ill person to hasten his recovery and make him strong and decrease the danger of his illness" (*Griz*, *ibid*, and see *Beur Halachah*, 328:4, s.v. *Kol sheregilim*).

## Amounts of food to be eaten by the ill on Yom Kippur

Since he first began to serve as the Rav in Brisk, HaGaon Rabbi Chayim zt"l would instruct all the dangerously ill commanded to eat on Yom Kippur not to mind about the amounts and half-amounts but to eat without limits. The *chachamim* and *dayanim* of the town opposed him – after all, there's an explicit Gemara in our *sugya* (see Rabeinu Gershom; *Tosfos Yeshanim*; Ramban in *Toras HaAdam, Sha'ar HaMichush, Inyan HaSakanah*): "they permitted a pregnant woman to eat **less** because of the danger". According to many Rishonim, the Gemara means that a pregnant woman who needs to eat on Yom Kippur should eat a little at a time, less than the amount (*shi'ur*) each time. Although each eating, as little as it may be, is forbidden by the Torah (see Yoma 74a) but as someone who eats a *shi'ur* is punished with *kareis*, Chazal wanted that a pregnant woman should not perform an act punishable with *kareis*, as Ramban (Yoma 82a) and the Rosh (Yoma, Ch. 8, §12) say: "They should do so to lighten the *issur* of *kareis* and lashes, such that there remains a mere prohibition." We thus see that one should eat less than a *shi'ur*.

However, Rabbi Chayim was insistent as he replied that Rambam ruled (*Hilchos Shabbos* 2:1) that "for a dangerously ill person one performs all his needs on Shabbos." *Magid Mishneh* comments that Rambam means that it is permitted on Shabbos to do for this ill person anything he needs, even things not defined as having a bearing on his life (*pikuach nefesh*). "And I tell you," concluded Rabbi Chayim, "that the needs of the ill include eating without limits."

Still, our Gemara says that a pregnant woman should eat less than a *shi'ur*. Rabbi Chayim explained that we cannot learn anything from our Gemara for a dangerously ill person. This pregnant woman is not ill now but the fast might bring her to danger and therefore she is allowed to eat. Since she is not now defined as a dangerously ill person, we do not apply to her Rambam's permission to perform "all her needs" as she was only permitted the essential necessity that she needs. However, if we have a dangerously ill person who needs to eat to get well, we shouldn't be exact with him, that maybe amounts less than the *shi'ur* would suffice him, because eating is his cure (see *Chidushei Maran Riz HaLevi, Hilchos Shevisas 'Asor*, who cites that the issue is so

## DAILY MASHAL

### Prayer While Drunk

The *Tur* wrote (*Hilchos Tefilah*, end of 99): ...and intoxicating liquor do not drink' – the initials spell - and if he drank a *revi'is*, he is forbidden to pray; the prayer of the drunken is an abomination'. The *Perishah* adds: "And also the initials of תשת תפילת ' תפילה שנתו תפילת - the prayer of a slightly drunken person is prayer'."

### When the Torah Brings About Instruction

The Gemara explains that there's no prohibition to learn after drinking wine. Rav was an exception: he didn't even learn from Rebbi in this instance as from his learning he came to instruct practical halachah and it is forbidden to rule after drinking wine. We can find a hint for such in the statement of *Ba'al HaTurim*, that the letters of ולהורת ("and to rule") also spell ולתורה ("and to the Torah"). There are some people for whom any Torah study is already halachic ruling and is forbidden for them (*Pardes Yosef*, 120).