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Pesachim Daf 81

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Daf Notes is currently being dedicated to the neshamah of

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Now Rabbi Oshaya too holds [that] he defiles retroactively by Rabbinical law [only]. For it was taught, Rabbi Oshaya said: But a zav who saw [a discharge] on his seventh day cancels the preceding [period];¹ whereupon Rabbi Yochanan said to him: He does not cancel [nothing] save that day.² – Either way! If he holds [that] he defiles retroactively,³ let us cancel even all of them; while if he holds that he defiles [only] from now and onwards,⁴ let him not cancel even that day⁵ – Rather say: He does not even cancel that day. Whereupon he [Rabbi Oshaya] said to him [Rabbi Yochanan], Rabbi Yosi agrees with you.⁶ Yet surely Rabbi Yosi said: They defile their couch and their seat retroactively? Hence it certainly proves that they defile retroactively by Rabbinical law [only]. This proves it. (81a1 – 81a2)

Now according to Rabbi Yosi, seeing that he rules [that] he defiles from now and onwards [only], what does '[They spoke of the "tumah of the deep"]' in respect of a corpse alone'

¹ I.e., the seven days are nullified and he must count another seven days. Rashi observes that he does not know to what Rabbi Oshaya refers when he says 'But', which obviously indicates a contrast with some other law.

² Which is disregarded, and he requires only one more day free from discharge in order to regain his taharah.

³ I.e., from the beginning of the seventh day, the portion of the seventh day during which he had no discharge not being regarded as a complete day, that we should look upon him as having had seven consecutive days without a tamei discharge.

⁴ Not from the beginning of the day, for the part of the day during which he was free from discharge counts as a whole day.

⁵ For on that view he has enjoyed seven consecutive days of taharah, which purifies him. The present discharge therefore is as an entirely new attack of zivah which has no connection with the preceding, and when a man has a single discharge he is tamei only until the evening, when he performs tevillah and becomes tahor. Why then does he need another day?

exclude?⁷ [Hence] let us solve from this that it refers to the Kohen, and [thus] the 'tumah of the deep' is permitted to him? – I will tell you: After all it refers to the owners and [regarding] the pesach-offering, but he [Rabbi Yosi] holds: One may not slaughter [the pesach-offering] and sprinkle [its blood] on behalf of those who are tamei through a sheretz, and thus it is necessary to exclude it. (81a2 – 81a3)

But according to Rabbi Yosi, how is a complete zavah possible?⁸ – When she has a continuous discharge.⁹ Alternatively, e.g., if she sees [a discharge] the whole of two [successive] twilights.¹⁰ (81a3)

Rav Yosef asked: The Kohen who officiates at the tamid-offering,¹¹ is the 'tumah of the deep' permitted to him or not? If you should say that the 'tumah of the deep' is permitted to the Kohen who officiates at their sacrifices, what about the Kohen who officiates at the tamid-offering?

⁶ Since he exempts her from observing Pesach Sheini, he too holds that she is not retroactively tamei.

⁷ For, as seen above, on the present ruling there is no 'tumah of the deep' in connection with zivah. Hence it must refer to defilement by a sheretz and to the Kohen.

⁸ Since he holds that part of the day is counted as a whole day, and she is tamei only from when she discharges, each day is distinct and she can never be tamei for the three consecutive days which are necessary before she becomes a complete zavah.

⁹ For the whole three days.

¹⁰ Twilight counts as the end of one day and the beginning of the following. Hence if she discharges right through the twilights of Sunday and Monday, she is regarded as having 'seen' on Sunday, Monday, and Tuesday, and as this includes the beginnings of Monday and Tuesday, she is tamei the whole of these days.

¹¹ During the whole year.

Do we say, when have we a tradition about ‘the tumah of the deep’, in respect of the pesach-offering, [but] we have no tradition about the ‘tumah of the deep’ in respect to the tamid-offering; or perhaps the tamid-offering is learned from the pesach-offering? — Said Rabbah: It stands to reason: if where known tumah was not permitted to him,¹² yet the ‘tumah of the deep’ was permitted to him,¹³ then where known tumah was permitted to him, is it not logical that the ‘tumah of the deep’ was permitted to him? — I will tell you: can we then argue a kal vachomer from a traditional law: surely it was taught, Rabbi Eliezer said to him: Akiva! That a bone [of a corpse] the size of a barley grain defiles¹⁴ is a traditional law, whereas [that] a quarter [log] of blood [of a corpse defiles] is [deduced by you] a kal vachomer,¹⁵ and we do not deduce a kal vachomer from a traditional law! — Rather said Rava: We learn [the scope of] ‘its appointed time’ from the pesach-offering.¹⁶ (81a3 – 81b1)

And where is [the law about] the ‘tumah of the deep’ itself written?¹⁷ — Said Rabbi Elozar: Scripture said: And if any man dies beside him [alav], [which means] when it is quite clear beside him.¹⁸ We have thus found [it in the case of] a nazir; how do we know [it in the case of] one who sacrifices a pesach-offering? — Said Rabbi Yochanan: Because Scripture said: [If any man shall be tamei by reason of a corpse or] in a distant road unto you: [that means] when it is quite clear unto you. Rabbi Shimon ben Lakish said, It is as the road: just as the road is manifest, so must the [cause of] defilement be manifest too.

¹² E.g., a nazir and one who sacrifices his pesach-offering. The tzitz does not effect acceptance to make the sprinkling permissible.

¹³ In the case of the tamid-offering, where none are tahor.

¹⁴ A nazir, if he touches or carries it, and he must commence again.

¹⁵ Rabbi Akiva deduced a kal vachomer from the former that if a nazir is under the same covering as a quarter log of blood taken from a corpse he is defiled, just as in the first case.

¹⁶ Mo'ado (its appointed time) is written in connection with both the tamid-offering and the pesach-offering. Hence just as the tzitz effects acceptance for the ‘tumah of the deep’ in the latter case, so in the former too.

¹⁷ That the tzitz effects acceptance in the case of a nazir and one who sacrifices his pesach-offerings. At this stage it is as yet unknown that it is not intimated in Scripture at all but is a traditional law.

An objection is raised: What is the ‘tumah of the deep’? Wherever not [even] a person at the end of the world had been cognizant of it.¹⁹ If a person at the end of the world had been cognizant of it, it is not the ‘tumah of the deep.’ [But] according to Rabbi Elozar who interpreted — when it is quite clear beside him, then [it is ‘tumah of the deep’] unless he himself [the nazir] knows of it. According to Rabbi Yochanan who interpreted ‘unto you’ [as meaning] when it is quite clear unto you, then [at least] two should know of it. According to Rabbi Shimon ben Lakish who said, It is as a road, then all should know of it? — Rather the ‘tumah of the deep’ is known as a traditional law, while the verse[s] are a mere support.²⁰ (81b1 – 81b2)

Mar son of Rav Ashi said: They learned this²¹ only where it became known to him²² after the sprinkling, so that when the blood was sprinkled it was rightly sprinkled; but if it was known to him before the sprinkling — it does not effect acceptance. An objection is raised: If a man finds a corpse lying across the width of a path,²³ in respect of terumah he is tamei;²⁴ in respect of [the laws of] a nazir or one who sacrifices the pesach-offering, he is tahor; and all [statements of] tamei and tahor refer to the future.²⁵ Rather if stated, it was thus stated: Mar son of R. Ashi said: Do not say that only if it became known to him after sprinkling does it effect acceptance, whereas if it became known to him before sprinkling, it does not effect acceptance; for even if it became

¹⁸ I.e., he becomes tamei only if the existence of the corpse is ‘beside him’, clear and known to him. But in the ‘tumah of the deep’ it was unknown.

¹⁹ Until after the nazir or the Israelite sacrificing his pesach-offering was defiled by it. In that case the tzitz effects acceptance.

²⁰ But not really the source of the law.

²¹ Sc. that the tzitz effects acceptance for ‘tumah of the deep’ in the two cases stated.

²² The owner of the sacrifice, that he had been thus defiled.

²³ Where he had passed, and he must either have actually touched or passed over it.

²⁴ He may not eat terumah.

²⁵ Thus though it is now known to him before the blood is sprinkled, the tzitz effects acceptance, for this too was a case of ‘tumah of the deep’, since as far as is known none was aware of the corpse before.

known to him before sprinkling it [still] effects acceptance. (81b2)

[To revert to] the main text: If a man finds a corpse lying across the width of a path, in respect of terumah he is tamei; in respect of [the laws of] a nazir or one who sacrifices a pesach-offering, he is tahor. When is that said? If he has no room to pass by, but if he has room to pass by, he is tahor even in respect of terumah. When is that said? If he finds it whole. But if it was broken or dismembered, he is tahor, as he might have passed between the pieces. But [if it lay] in a grave, even if broken and dismembered, he is tamei, because the grave unites it.²⁶ When is this said? If he was walking on foot. But if he was laden [with a burden] or riding, he is tamei; because he who walks on foot can avoid touching it or form a roof over it, but when he is laden or riding, he cannot but touch [it] or form a roof over it.²⁷ When is this said? In the case of 'tumah of the deep'; but in the case of known tumah, he is tamei. And what is 'tumah of the deep'? Wherever not [even] one at the end of the world had been cognizant of it. But if one [even] at the world's end was cognizant of it, it is not 'tumah of the deep.' If he found it hidden in straw, earth, or pebbles, it is 'tumah of the deep.'²⁸ [If he found it] in water, in darkness, or in the clefts of rocks, it is not 'tumah of the deep.'²⁹ And they did not state [the law of] 'tumah of the deep' in respect of nothing save a corpse alone. (81b2 – 81b3)

INSIGHTS TO THE DAF

The Rambam (Bias Mikdash 4:6) says that if a kohen sprinkled the blood of a korban and later found out that he had been doubtfully impure, the korban is kosher. Even if he knew beforehand and he sprinkled the blood, the korban is kosher.

The Kesef Mishna (ibid.) comments that this implies that if the kohen found out before the sprinkling he should not sprinkle the blood. However, if he did anyway, it is valid. The

²⁶ And the whole length of the grave is tamei and defiles.

²⁷ Because the burden or the action of the riding makes him sway from side to side.

Kesef Mishna asks that this seemingly contradicts the Rambam's statement in Hilchos Korban Pesach (6:11). The Rambam there states that if someone finds out that he only possibly became impure, "he is considered pure for the korban pesach, and he should slaughter and eat his korban pesach etc." What does the Rambam hold? Does he hold that when one finds out he is doubtfully impure he can continue with bringing his korban, or should he stop?

The Kesef Mishna (ibid.) answers that the Rambam's statement regarding the kohen was talking about a regular korban. Being that it is not a time sensitive and obligatory korban, the kohen should not sprinkle the blood. However, being that the korban pesach is a time sensitive and obligatory korban, the Rambam rules that the owner should continue and bring his korban pesach anyway.

DAILY MASHAL

Time and a Place

It is written: *ki yamus meis* – (literally) meaning: *when a dead person will die*. What is the explanation for those words? Shouldn't the Torah have said: *If a person will die*?

The Sha"ch explains: If a nazir did not take his vow of nezirus for the sake of Heaven, but rather, he was afraid of his Evil Inclination that it should not seduce him, the Holy One, Blessed be He, arranges that he should find himself in a house together with someone whose destined to die, and he dies suddenly (causing the nazir to become tamei). This is why it is written: *when a dead person will die*, for he was already dead for several days, but he didn't actually die until the time that he and the nazir were under the same roof.

Our actions must be for the sake of Heaven, and there is always a calculation as to events that transpire.

²⁸ These completely cover a corpse and make him quite invisible; hence its presence would not be known.

²⁹ Because one might have seen it previously.