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Dissolved Fetus and Corpse-Dust

Rabbah bar Shila said in the name of Rav Masnah who said in the name of Shmuel: It once happened that a placenta was attributed to a child as late as ten days after the child’s birth (*despite the long interval between the birth of the child and the expulsion of the placenta, no assumption was made that the placenta belonged to a different child which dissolved*). The law, however, that it is to be attributed to the existing child applies only where the expulsion of the placenta followed the birth of the embryo. [*If, however, it preceded it, the possibility must be taken into consideration that it belonged to another child that had been dissolved; and consequently the stringencies applying to the two births must be imposed. This is because a placenta does not come out before the actual birth.*]

Rabbah bar Chanah said in the name of Rabbi Yochanan: It once happened that a placenta was attributed to a child as late as twenty-three days after the child’s birth. Rav Yosef said to him: You once told us that it was as late as twenty-four days.

Rav Acha the son of Rav Avira said in the name of Rabbi Yitzchak: It once happened that the birth of a child was delayed for thirty-three days after that of its predecessor (*its twin*). Rav Yosef said to him: You have in fact told us thirty-four days.

The Gemora asks: Such an incident may be explained satisfactorily according to the one who holds that a woman who gives birth at nine months may give birth in an abbreviated month (*before the ninth month is completed*), for then it is possible that the formation of one child was completed at the end of seven months (*two days prior to the conclusion of the seventh month*), and the formation of the other at the beginning of the ninth month (*two days after the beginning of the ninth month; which will explain the thirty-three days in between the two births*), but according to the one who maintains that a woman who gives birth at nine months does not

give birth in abbreviated months, what can be said in explanation of the incident? [*They could not have been both born in the seventh month, for the interval would inevitably be less than thirty-three days (since a Hebrew month never contains more than thirty days). It could not have been that the first one was born at the end of the seventh month and the second one at the end of the ninth month, for the interval would not be one of thirty-three days but one of no less than two months. And if one was born in the seventh and the other in the eighth month, the second one could not be viable, whereas the incident here seems to speak of viable children.*]

The Gemora answers: Reverse the statements: Thirty-three days in the case of the placenta, and twenty-three days in that of the two children. [*This is quite possible where both children were born in the seventh month – one in the beginning of the month and one at the end, since all agree that a child may be viable even if the full seven months were not completed.*]

Rabbi Avin bar Rav Adda said in the name of Rav Menachem of Kefar She’arim or, according to some: Beis She’arim: It once happened that the birth of a child was delayed for three months after that of its predecessor, and behold, both of them are sitting before us in the study hall. And who are they? Yehudah and Chizkiyah, the sons of Rabbi Chiya.

The Gemora asks: [*How was this possible? It could not have been a new pregnancy after the first one was born, for there was not enough time in between the two births!?*] But didn’t a master say that a woman in conception cannot conceive again?

Abaye replied: It was the same drop (*of semen that created both of them*), but it was divided in two; the formation of one of these was completed at the beginning of the seventh month and the formation of the other was completed at the end of the ninth month. (27a)

The *Mishna* had stated: If there is a placenta in the house, the house is *tamei*.

The *Gemora* cites a *braisa*: If a placenta is in a house, the house is *tamei*; not because a placenta is a child, but because generally there can be no placenta with which there is no child; these are the words of Rabbi Meir. Rabbi Yosi, Rabbi Yehudah and Rabbi Shimon regard the house as *tahor*. They said to Rabbi Meir: Would you not agree that if it had been carried out in a bowl into another house that it would be *tahor*? Indeed, he replied. And this is because it is no longer in existence (*for it has dissolved after being moved about to the other house*). They retorted: Just like it is not in existence in the other house, so is it not in existence in the inner one. [*If moving to the other house causes the fetus to dissolve, the ordeal of being expelled from the mother should cause it to dissolve as well.*] What was dissolved once, he replied, is not comparable to that which was dissolved twice.

Rav Pappa once sat behind Rav Bivi in the presence of Rav Hamnuna, and he sat and observed: What is Rabbi Shimon's reason? [*Granted that the fetus was dissolved, doesn't a corpse which decomposed into dust also convey tumah? Shouldn't this case be similar to that?*] He is of the opinion that any *tumah* with which anything of a different kind has been mixed (*even if that other item is also tamei*) is nullified (*and here it has been mixed with the blood of childbirth*). Rav Pappa said to them: This is also the reason of Rabbi Yehudah and Rabbi Yosi (*who agree with R' Shimon*). They laughed at him, saying: Why should there be any difference; is this not obvious? Rav Pappa replied: Even such a statement a man should say and not be content with silence before his master, for it is written: *If you were sullied, you will be elevated; but if you muzzled yourselves, you will lay your hand upon your mouth.* [*One should rather seem foolish for the sake of gaining Torah knowledge, for this will elevate him; however, if one chooses to remain silent instead – in order to give the appearance that he knows everything, this will result in his not being able to give an authoritative answer when a question on the subject is addressed to him.*]

The *Gemora* explains that Rabbi Shimon follows the view he expressed elsewhere, for it was taught in a *braisa*: If some earth fell into a ladleful of corpse-dust, the mixture remains *tamei*, but Rabbi Shimon maintains that it is *tahor*. [*This is because he holds that*

when a tamei substance mixes with something else, it loses its ability to transmit tumah.]

The *Gemora* asks: What is Rabbi Shimon's reason? Rabbah replied: I once found the Rabbis of the study hall while they were sitting, and they were saying as follows: It is impossible that somewhere in the mixture two particles of earth will not surround one particle of the corpse-dust, and being the majority, it will nullify the corpse-dust in a way that now something is missing (*from the ladleful, which is the minimum requirement for this type of tumah; the same can be said regarding the dissolved fetus as it is being expelled from its mother, for as soon as a small part of the fetus has dissolved, it is not an entire corpse, and thus cannot convey tumah*). But I said to them: On the contrary! It is impossible that somewhere in the mixture two particles of the corpse-dust will not surround one particle of the corpse-dust, and being the majority, it will nullify the earth in a way that now something is increased (*from the ladleful*).

Rather, said Rabbah, the reasoning of Rabbi Shimon is as follows: Its final stage (*of when it becomes dust*) is treated as its first stage (*when the corpse begins to decompose*). Just as in its first stage, any other matter (*such as burial shrouds*) becomes its antidote (*and since the decomposing corpse is not pure, it cannot transmit tumah*), so also in its final stage, any other matter becomes its antidote.

The *Gemora* explains the law (*of a decomposing corpse*) with a *braisa*: In what circumstances is a corpse subject to the *tumah* of a ladleful of corpse-dust, and in what circumstances is a corpse not subject to the *tumah* of a ladleful of corpse-dust? If a corpse was buried naked in a marble coffin or on a stone floor, it is one that is subject to the *tumah* of corpse-dust. And in what circumstances is a corpse not subject to the *tumah* of corpse-dust? If it was buried in its clothes, or in a wooden coffin, or on a brick floor, it is one that is not subject to the *tumah* of corpse-dust. And the Sages spoke of the *tumah* of corpse-dust only in the case of one who died regularly. This, the *Gemora* infers, excludes a killed person, who is not subject to this law.

It was stated above: If some earth fell into a ladleful of corpse-dust, the mixture remains *tamei*, but Rabbi Shimon maintains that it is *tahor*. [*It was taught in a Mishna:*] If a ladleful of corpse-dust was scattered in a house, the house is *tamei* (*for everything in the house is under the same roof as the corpse tumah*), but Rabbi Shimon

maintains it to be *tahor* (for some earth from the floor has mixed into the corpse-dust).

The *Gemora* notes that both these rulings were required, for if we had been informed of the first one only (*the braisa*), I might have thought that only in that case do the Rabbis maintain their view, since it (*the corpse-dust*) is collected together, but that (*in the Mishna*), where it was scattered, they agree with Rabbi Shimon, since a succession of incomplete overhangings (*since there is not a complete ladleful in any specific place*) is of no consequence. And if we had been informed only of the latter case (*the Mishna*), I might have thought that only in that case does Rabbi Shimon maintain his view, since a succession of incomplete overhangings is of no consequence, but that in the former case (*the braisa*), he agrees with the Rabbis. Therefore both were required.

The *Gemora* cites a *Mishna* taught elsewhere: A ladleful and more of the dust of a graveyard is *tamei*, but Rabbi Shimon regards it as *tahor*. What is the reason of the Rabbis? It is because it is impossible to have a ladleful and more of the dust of a graveyard in which there is not contained a ladleful of corpse-dust.

The *Gemora* asks: Now that you have explained that Rabbi Shimon's reason (*when he ruled tahor by the case where some earth fell into a ladleful of corpse-dust*) is because 'its final stage (*of when it becomes dust*) is treated as its first stage (*when the corpse begins to decompose*)' (*and since the corpse-dust is not pure, it cannot transmit tumah*), what could be his reason in the case of a placenta?

Rabbi Yochanan replied: It is because the law of nullification in the larger quantity has been applied to it (*and since there is a greater amount of the mother's blood than the dissolved fetus, the fetus is nullified and cannot transmit tumah*).

The *Gemora* notes that Rabbi Yochanan is in agreement here with the opinion he expressed elsewhere, for Rabbi Yochanan said: Rabbi Eliezer ben Yaakov and Rabbi Shimon said the same thing (*that the disintegrated fetus can become nullified by the majority*). Rabbi Shimon's ruling is the one which we have just cited. What is Rabbi Eliezer ben Yaakov's statement? It was taught in a *Mishna*: Rabbi Eliezer ben Yaakov says: if a large domestic animal has discharged a clot of blood, it (*the clot*) shall be buried (*for it is forbidden for benefit in case it was a male fetus which disintegrated*

and was sanctified as a firstborn), and it (*the mother*) is exempted from the law of *bechor*. Rabbi Chiya taught a *braisa*: [*R' Eliezer ben Yaakov adds*:] The clot of blood does not transmit *tumah* through contact, nor by being carried (*for it is not regarded as a neveilah – a carcass of an animal that died without slaughtering*). The *Gemora* had asked: Now, since it does not transmit *tumah* through contact, nor by being carried, why must it be buried (*for evidently, we are not concerned that there was a fetus here at all*)? The *Gemora* answered: It is in order to make known that the mother is exempted from the law of the firstborn. The *Gemora* asked: But does that not mean to say that it is a genuine offspring? If so, why does it not transmit *tumah* through contact, nor by being carried? Rabbi Yochanan answered: That is because the principle that it is nullified by the larger portion is applied here. [*The blood of the mother and other substances - being the larger portion - nullifies the disintegrated fetus, and therefore, it is not susceptible to tumah.*] (27a – 27b)

INSIGHTS TO THE DAF

The Ashes of a Corpse

After the Holocaust many halachic questions arose, including the following chilling quandary. A survivor said, "I passed through Kovel in Wohlin, a town once populated by many Jews. Here lays desolate the deserted court of the Trisker Rebbe, to whom Chasidim flocked from all parts of Wohlin and Poland. The *beis midrash* stands locked. When I looked through the window, I was horrified: The blood-soaked walls proved that here the enemy gathered the community of Kovel and here they sanctified the name of Heaven and accepted the judgment.

"And suddenly a chill came over me as a sacred terror passed through all my limbs. In the northeast corner I saw written in blood *nekom nikmas Hashem* 'Avenge Hashem's vengeance'. The last word was left unfinished. The writer died in the middle of writing with the blood of his heart his last will and testament. I stood petrified as I whispered, '*Ribono shel 'olam*, avenge the vengeance of the spilt blood of Your servants.' Suddenly someone touched my shoulder. A Jew stood there, the only Jew left in Kovel, alone and bereaved, and while talking with him he asked me the following question.

Taking the ashes of those killed for burial in Eretz Israel: "As he plans to leave the town where his whole family was killed, he wants

to take some remains from the pile of ashes of the holy martyrs who were subsequently burnt in the courtyard of the *beis midrash*, his family amongst them, and bring the ashes to Eretz Israel but since he's a *kohen*, he's in doubt if he's allowed to do so" (the question was cited in Responsa *Piskei Uziel, Sheeilos HaZeman*, 39). The answer to this question is apparently clear. An explicit mishnah (Oholos 2:2) is cited in our *sugya*, which says that the ashes of the deceased do **not** render impurity, and the halachah was so ruled (Rambam, *Hilchos Tumas HaMeis* 3:10; *Sheeilas Ya'vetz*, II, 169, cited in *Pischei Teshuvah*, Y.D. 369, S.K. 2), that a *kohen* may bury the ashes of a deceased even though there are non-kohanim who could do it, as the ashes of the deceased do not render impurity.

The ashes of an entire body render impurity: However, our Gemara explains that the matter is not simple at all and the Ritva and other Rishonim wrote that as for the halachah, the ashes of an **entire** corpse render impurity whereas the ashes of part of a corpse do not. HaGaon Rav Y. Fishoff therefore wrote in his *Ta'am Veda'as* (on Rambam, *ibid*) that in our case, the *kohen* must refrain from burying the deceased and allow non-kohanim to do so. (All this pertains if there is no skeleton; if there is a skeleton form, the ashes render impurity in every instance).

Rambam: "These ashes are on the level of a body?" However, Rambam's perplexing words bothered a number of *talmidei chachamim*, as he wrote in his commentary on the Mishnah (*ibid*): "The Chachamim put these ashes (of the deceased) on the same level as the body, because when it was burnt, it ceased to be defined halachically as a *meiss*." The last part of his statement is well understood: he who is burnt has no body at all and therefore is not a *meiss* and does not render impurity. However, what is Rambam's intention when he says "The Chachamim put these ashes on the same level as the body"? It seems to contradict our understanding that the ashes are not considered a *meiss* while in these words Rambam gave the substance of a body to the ashes!

Many Acharonim tried to explain Rambam's statement, including the author of *Tzafnas Pa'neiach* (2nd edition, p. 22, 111, etc.), who claimed that the ashes of a dead person **do** render impurity because *tuma* does not **dispel** when a corpse is burnt whereas the mishnah only eliminated impurity from the ashes of someone burnt alive. This is Rambam's intention: "The Chachamim put these ashes on the same level as the (live) body because when he was

burnt, he was not defined halachically as a *meiss*." In other words, he never became a dead body and therefore no impurity applied to him.

However, the author of *Seridei Eish* zt"l wondered extremely (Responsa, I, 181). First of all, it cannot be that a person's whole body would become ashes while still alive, as while being burnt, he dies and if so, there's no possibility of ashes of a *meiss* not rendering impurity (members of our *beis midrash* remarked that a severed limb also renders impurity; therefore, we can explain the mishnah as pertaining to a live person who had one of his limbs burnt till it became ashes and the mishnah rules that these ashes do not render impurity). In addition, he proves from our *sugya* that the ashes of the deceased do not render impurity. Our Gemara explains that there are two possibilities for a corpse to leave the doorway of a house without the impurity passing through the entrance: (1) if his limbs become separated such that no part has the amount of a *kezayis* required for impurity; (2) if the deceased is burnt. We thus see that the ashes of a burnt corpse do not render impurity.

The "correction" that reversed the explanation: However, the author of *Melamed Leho'il* (Responsa, Y.D. 114) contended that the error stems from the translation of Rambam's statement from Arabic to Hebrew. The original stated *segif*, meaning "lime". In other words, Rambam wrote that the ashes are on the same level as lime, which does not render impurity and the translator wrote *haguf* ("the body") instead of *hasid* - lime. Rav Kapach's translation of Rambam's commentary on the Mishnah appeared years later and he translates the term as meaning "gypsum" (lime) and thus there's no question.

The Bone of Resurrection

The author of *Mateh Moshe* (513) wrote in the name of a Kabbalist: "Man is from the heavenly element from his liver and above and below that, from the earthly element. And from the heavenly element there remains one bone which does not disintegrate. Some say that it is the lowest bone of the spine and Chazal called it "a *tarvad* of rot" and this bone remains till the Resurrection and is then aroused by the dew of Resurrection."