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***Tumah of a Sheretz***

Rish Lakish ruled: A dead *sheretz* that dried up but whose shape was retained is *tamei*.

The *Gemora* asks from our *Mishna* which states that it transmits *tumah* when moist but not when dry?

Rabbi Zeira replied: This is no difficulty, since Rish Lakish is referring to a *sheretz* in its complete state, while the *Mishna* refers to part of a *sheretz*, for it was taught in a *braisa*: Rabbi Yitzchak the son of Rabbi Bisna said in the name of Rabbi Shimon ben Yochai: Two contradictory verses (*where one teaches that a sheretz transmits tumah only when its complete, and another teaches that it transmits tumah even through contact with part of it*) can only be reconciled by saying that there is a distinction between a moist *sheretz* (*which transmits tumah even through part of it*) while the other refers to a dry one (*which transmits tumah only when it is complete*).

Rava ruled: The toads of Mechoza - if their shapes are retained, are *tamei*.

Rish Lakish further ruled: If a dead *sheretz* was burned while its shape was retained, it is *tamei*.

The *Gemora* asks from a *Mishna*: If one found a burned *sheretz* or a worn-out towel that belonged to a *zav* – a *tamei* person (*both are no longer tamei*) – on top of olives, the olives are considered *tahor*, since *tumah* is determined by the time it was discovered (*for we may assume that the sheretz*

*was already burned when it touched the olives, and the towel was already worn-out when it touched the olives*).

Rabbi Zeira replied: This is no difficulty, since Rish Lakish is referring to a *sheretz* in its complete state, while the *Mishna* refers to part of a *sheretz*, for it was taught in a *braisa*: Rabbi Yitzchak the son of Rabbi Bisna said in the name of Rabbi Shimon ben Yochai: Two contradictory verses (*where one teaches that a sheretz transmits tumah only when its complete, and another teaches that it transmits tumah even through contact with part of it*) can only be reconciled by saying that there is a distinction between a *sheretz* that is burned (*which transmits tumah only when it is complete*), while the other refers to one that is not burned (*which transmits tumah even through part of it*). (56a)

***Discharge – Moist or Dry?***

The *Mishna* had stated that the discharge of a *zav*, his phlegm, his saliva, a *sheretz*, the carcass of an animal and semen convey *tumah* only when they are moist. The *Gemora* cites the Scriptural sources for these *halachos*.

The *Mishna* had stated that if, however, on being soaked, they can revert to their original moist state, they do transmit *tumah*, even while they are dried.

Rabbi Yirmiyah inquired: Is the soaking to be from beginning to end (*of the day*) in lukewarm water (*if they resume their original moist condition only after soaking in lukewarm water for a complete day they are tamei*), or only at the beginning although it is not so at the end? [*According to the latter there*

would be the following leniency: They are regarded as *tahor* if they have not resumed their original condition after being soaked in water that was at first lukewarm and then turned cold, although they would have resumed that condition if they had been soaked the entire time in lukewarm water.]

The *Gemora* resolves this from that which was taught in the following *braisa*: For how long must they be soaked in lukewarm water? Yehudah ben Nekusa replied: For twenty-four hours, being lukewarm at the beginning, although not at the end. Rabban Shimon ben Gamliel said: It must be lukewarm throughout the twenty-four hours.

Rabbi Yosi had stated in the *Mishna*: The flesh of a corpse that has dried up is *tahor*.

Shmuel explained: It is *tahor* in so far that it will not convey *tumah* if it (*only*) has the size of an olive, but it does convey the *tumah* of corpse dust (*so a ladleful of it will convey tumah by means of touch, carrying and roof-association*). (56a)

### **Mishna**

If a *sheretz* (a dead reptile, which renders foods and objects *tamei* if they came in contact with it) was found in an alley, all foods and objects in that alley are considered to be *tamei* retroactively until the time that the person can say that he has checked the alley and it was clear of any *sheretz*, or until the last time the alley was swept. And so also a bloodstain, if it was found on a garment, causes *tumah* retroactively to such time as one can testify and say, "I examined this garment and there was no stain on it," or to such time as it was last laundered.

And it conveys *tumah* irrespective of whether it is moist or dry. Rabbi Shimon ruled: if it is dry, it causes *tumah* retroactively, but if it is moist, it causes *tumah* only to a time when it could still have been moist (*and not until the last time it was swept*). (56a)

### **Sweeping and Laundering**

They inquired: Is the alley to such time as it was last swept in the presumptive state of having been duly examined (*by the one who swept it, and he has definitely ascertained that there were no sheratzim in it at that time*), or perhaps, it is in the presumptive state of having been properly swept (*so that if any sheratzim had been there at the time, they would have been swept away*)?

The *Gemora* notes the case where there would be a *halachic* difference: It would be in a case where one declared that he had swept the alley but did not examine it. If you say that it is in the presumptive state of having been duly examined, surely then (*in this case*), he had not examined it; but if you say that it is in the presumptive state of having been properly swept, surely here, it was properly swept.

Alternatively, a difference would be in the case where the *sheretz* was found in a hole. If you say that it is in the presumptive state of having been duly examined, anyone who examines the alley examines also in a hole (*and therefore all taharos can still be ruled to be tahor*); but if you say that it is in the presumptive state of having been properly swept, a hole is not usually swept.

The *Mishna* had stated: And so also a bloodstain [*if it was found on a garment, causes tumah retroactively to such time as one can testify and say, "I examined this garment and there was no stain on it," or to such time as it was last laundered*].

They inquired: Is the garment to such time as it was last laundered in the presumptive state of having been duly examined (*by the one who laundered it, and he has definitely ascertained that there was no tumah there at that time*), or perhaps, it is in the presumptive state of having been properly laundered (*so that if any stains had been there at the time, they would have been washed away*)?

The *Gemora* notes the case where there would be a *halachic* difference: It would be in a case where one declared that he had laundered but did not examine it. If you say that it is in the presumptive state of having been duly examined, surely then (*in this case*), he had not examined it; but if you say that it is in the presumptive state of having been properly laundered, surely here, it was properly laundered.

Alternatively, a difference would be in the case where the stain was found at the edge of the garment. If you say that it is in the presumptive state of having been duly examined, anyone who examines the garment examines also at the edge (*and therefore all taharos can still be ruled to be tahor*); but if you say that it is in the presumptive state of having been properly laundered, at the edge is not usually laundered (*well*).

Now, what is the answer to these questions?

The *Gemora* resolves this from the following *braisa*: Rabbi Meir said: Why did they rule that if a *sheretz* was found in an alley it causes *tumah* retroactively until the time that a person can say that he has checked the alley and it was clear of any *sheretz*, or until the last time the alley was swept? It is because there is a presumption that the Sons of Israel examine their alleys at the time they are swept; but if they did not examine them, they disqualify the *taharos* retroactively. And why did they rule that a bloodstain, if found on a garment, causes *tumah* retroactively to such time as one can testify that he examined this garment and there was no stain on it, or to such time as it was last washed? It is because there is a presumption that the Daughters of Israel examine their garments at the time they are laundering them; but if they did not examine them, they disqualify the *taharos* retroactively.

Rav Acha ruled: Let her launder it again. If its color fades, it is evident that it was made after the previous laundering (*for if it had been there before the previous laundering, it would have faded in the course of that washing; therefore, the*

*tumah* is retroactive to the time of the previous washing only); but if it does not fade, it is evident that it was made before the previous washing.

Rebbe said: A stain after its washing is not like a stain before it had been washed, for the former absorbs into the material, while the latter remains clotted on its surface.

It may be inferred from this *braisa* that there is presumption that it was duly examined (*before the sweeping or the laundering, and that is the reason why it was ruled that the taharos remain tahor*). This indeed is conclusive. (56a – 56b)

### **Mishna**

All bloodstains that come from *Rekem* are *tahor* (*because it may be presumed that it came from an idolater, and their menstrual blood is tahor*). Rabbi Yehudah declares them *tamei*, because the people who live there are converts who erred (*who no longer observed the halachos, and they did not conceal their bloodstained garments*). Those (*bloodstained garments*) that come from idolaters (*where no Jews live*) are *tahor*. [*Cutheans were those who converted to Judaism after an outbreak of wild animals in Eretz Yisroel and their conversion was debated as to its validity; they observed some commandments, but not others.*] Those that come from Jews or from Cutheans, Rabbi Meir declares them to be *tamei*, but the Sages declared them *tahor*, because they are under no suspicion in regard to their stains (*so the source of these bloodstains must be from somewhere else*). (56b)

### **Bloodstains from Jews and Cutheans**

The *Gemora* notes: Since the statement (*those bloodstained garments that come from idolaters are tahor*) was made categorically, it follows, does it not, that it applies even to those from Tarmod (*for they are presumed to be idolaters*)? And Rabbi Yochanan asserted: This proves that converts may be accepted from Tarmod (*for they are idolaters, and not*

*mamzerim; accepting mamzerim as converts would only cause the proliferation of mamzerim).*

The *Gemora* asks: But can this be correct, seeing that both Rabbi Yochanan and Sabya ruled that no converts may be accepted from Tarmod? [*The Gemora says elsewhere that Jewish women were attracted to marry King Shlomo's Canaanite slaves due to their wealth; thus rendering their offspring Jewish mamzeirim.*] And you cannot reply that Rabbi Yochanan only said this, but he himself does not hold this view, for Rabbi Yochanan ruled that the *halachah* is in accordance with an anonymous *Mishna*?

The *Gemora* answers: It is a question in dispute between *Amoraim* as to what was actually Rabbi Yochanan's view.

The *Mishna* had stated: Those that come from Jews or from Cutheans, Rabbi Meir declares them to be *tamei*, but the Sages declared them *tahor*.

The *Gemora* asks: As to the Sages, if they declare the menstrual blood of Jews to be *tahor*, whose do they hold to be *tamei*?

The *Gemora* answers: It is as if some words are missing from our *Mishna*, and this is the correct reading: From Jews (*bloodstained garments were found*), they are *tamei*. From Cutheans, since Cutheans are true converts, but the Sages declared them *tahor* because, in their opinion, Cutheans are merely lion-inspired converts.

The *Gemora* asks: If so, instead of saying, because they are under no suspicion in regard to their stains, the *Mishna* should have said: Because they are lion-inspired converts?

The *Gemora* answers: This is what was meant: From Jews of from Cutheans (*bloodstained garments were found in their private rooms*), they are *tamei*, since Cutheans are true converts; those that are found in Jewish cities (*in an open area*) are *tahor*, since they are not suspected of leaving their

bloodstained garments in the open, for they rather conceal them (*in order not to cause tumah to taharos*); and those that are found in the cities of Cutheans, Rabbi Meir declares them to be *tamei*, because they are suspected of leaving their bloodstained garments in the open, but the Sages declared them *tahor* because they are under no suspicion in regard to their stains. (56b)

## INSIGHTS TO THE DAF

### Different eras in the history of the Kusim

The status of the Kusim is discussed in various Talmudic *sugyos* as well as in our Gemara. The discussion ended in the era of the first *Amoraim*, Rabbi Ami and Rabbi Asi (Chulin 6a): "They made (a ruling effecting) them entire gentiles." Even before then we find that the *Tanaim* disagreed about their halachic status (see Kidushin 75b-76a, 'Avodah Zarah 26b, etc.). In this article we shall investigate the historical process which brought the Kusim to the lowest level.

**The Kusim as righteous converts:** The Kusim were gentiles who were brought to Shomron by the king of Ashur when he exiled the ten tribes. They converted and joined the Jewish people after Hashem incited bears and lions to attack them (see Melachim II, 17:25). The *Tanaim* disagreed as to if they did so from fear and therefore their conversion was invalid or if they joined the Jewish people out of recognition of the truth of the Jewish religion. The *halachah* was ruled that they were true converts and that when they accepted the Jewish religion, they did so wholeheartedly. Afterwards the Kusim deteriorated and for that reason many Talmudic *sugyos* were devoted to clarify for which halachos the Kusim are believed. Our *sugya* explains that the Kusim believed in halachos instituted by Chazal as long as they appear in the Tanach. For example, Chazal instituted that graves should be marked so that *kohanim* would not be defiled by them and the Kusim accepted this regulation because it is mentioned by the prophet Yechezkel. This Gemara undermines the accepted opinion that the Kusim only believed in the Chumash and

denied all the prophetic works aside from the book of Yehoshua. Rabbi Yaakov of Emdin – the Ya'vetz – points this out in his remarks on our *sugya* and therefore concludes that the accepted opinion derived from “secular works” but that actually the Kusim also believed in the Prophets. However, the *Magiah* on the Ya'vetz questioned this and wrote that he doesn't know why the Ya'vetz attributed this assumption to secular works since the Tanaim disagreed about the issue (Chulin 4a) as to whether the Kusim only observed that written in Chumash or whether they also observed some rabbinical halachos and were “very heedful” in them.

What is the history of the Kusim? Rabbi Tuvyah Yehudah Tavyumei zt”l in his writings proves that the history of the Kusim is divided into three eras. When they converted, they accepted the Torah and mitzvos in their entirety. In the era of the Tanaim they deteriorated till they denied broad areas of the Torah, and the Talmudic discussions concern this era regarding their trustworthiness for different halachos. The third era began in the era of Rabbi Ami and Rabbi Asi (see Chulin, *ibid*). The Yerushalmi recounts (‘Avodah Zarah 5:4) that they libated their wine to idolatry and in that era Rabbi Avahu was asked by a Kusi: “Your forefathers used ours; why don't you use it?” In other words, why are you stricter in your contact with us than your forefathers? Rabbi Avahu replied, “Your forefathers didn't go astray; you went astray” (*Tal Oros*, III, p. 120). They then ruled that there's no difference between a Kusi and a gentile.

#### DAILY MASHAL

It is interesting to note that our *sugya* contains another detail about the Kusim. The Gemara deals with a *kohen* explained by Rashi as a *kohen* who was a Kusi. How could it be that a Kusi, who is a convert, could be a *kohen*? After all, the *kehunah* is passed on from father to son since Aharon.

**A *kohen* who was a Kusi:** Melachim (*ibid*, 27) recounts that the king of Ashur brought *kohanim* to the Kusim to teach them halachos. It could be that their offspring remained

among the Kusim and over the years behaved like them. Thus their came about a *kohen Kusi* (*Tosfos Yom Tov* and *Lechem Shamir*, here, and see Kidushin 75b, that according to the Tanaim that the Kusim were true converts, these *kohanim* were kosher).