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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

Chayah and Beheimah

The *Gemora* cites the Scriptural sources which prove that a *chayah* is included in the category of *beheimah*, and that *beheimah* is included in the category of *chayah*.

The *Gemora* notes the applications of Rabbi Yishmael’s principles:

- The kosher *chayah* is included in the category of the kosher *beheimah* with regard to the signs of being kosher (*if it chews its cud and has split hooves*).
- A nonkosher *chayah* is included in the category of the nonkosher *beheimah* with regard to the prohibition of crossbreeding.
- A nonkosher *beheimah* is included in the category of a nonkosher *chayah* with regard to the teaching of Rebbe. For it was taught in a *braisa*: Rebbe says: [*One must bring a sliding-scale chatas offering if he comes into contact with the carcass of a nonkosher chayah or beheimah.*] It would be sufficient if the verse merely said the carcass of a nonkosher *chayah*; why then is *beheimah* also stated? It is to deduce the following: Here it says ‘a nonkosher *beheimah*,’ and there (*regarding the eating of the meat from an offering*) it also states ‘a nonkosher *beheimah*.’ Just as there it refers to the eating of holy food while being *tamei*, so too here it refers to the eating of holy food while being *tamei*. [*The reason why beheimah was superfluous in this verse was because a nonkosher beheimah is included in the category of a nonkosher chayah.*]

- A kosher *beheimah* is included in the category of a kosher *chayah* with regard to *yetzirah* – formation, for it was taught in a *Mishna*: If a woman miscarried and brings forth something resembling a *beheimah*, *chayah* or bird, whether it was from a kosher or a nonkosher species, if it was a male, she must observe the periods (*of tumah and taharah*) prescribed for a male, and if it was a female, she must observe the periods (*of tumah and taharah*) prescribed for a female. If its gender was not known, she must observe the periods (*of tumah and taharah*) prescribed for both a male and for a female; these are the words of Rabbi Meir. The Sages, however, say: Whatever doesn’t have a human form is not considered a child. (71a)

Mishna

If the fetus of a woman died within the womb of its mother and the midwife put in her hand and touched it, the midwife is rendered *tamei* for seven days, but the mother is *tahor* until the fetus comes out. (71a)

Swallowed-up Tumah

Rabbah said: Just as a *tamei* object that has been swallowed cannot transmit *tumah*, so too a *tahor* object that has been swallowed cannot be rendered *tamei* from other objects.

The *Gemora* seeks the Scriptural source that a *tamei* object that has been swallowed cannot transmit *tumah*. It is written: *And he who eats from its carcass shall wash his*

clothes (and is tamei until the evening). Is it not discussing a case where he ate from it a short while before sunset, and yet, the Torah says that he becomes *tahor* (by evening – even though the carcass is still inside of him).

The *Gemora* asks: Perhaps there it is different, for (once it has been swallowed) it is no longer fit for a resident (a *ger toshav* – one who is permitted to eat *neveilah*; since this is not fit for human consumption, it cannot transmit *tumah*)?

The *Gemora* notes: According to Rabbi Yochanan, it is well, for he says that a *neveilah* can still transmit *tumah* to people or objects until it is unfit to be eaten by dogs (and therefore, the swallowed *neveilah* can still convey *tumah*, if not for the fact that it is “swallowed *tumah*”); but according to Bar Padda, who says that regarding strict *tumah* (to contaminate a person), *neveilah* may transmit *tumah* until it is unfit to be eaten by a human, and for conveying the lighter *tumah* (to foods), it may transmit *tumah* until it becomes unfit for a dog, so perhaps the reason (why the person who swallowed the *neveilah* is *tahor* at night) might well be for it is no longer fit for a resident?

The *Gemora* responds: Even so, granted that it is not fit for a resident if it was swallowed in his presence; it is, however, fit for a resident if it was swallowed not in his presence. [Therefore, we may adduce proof from here that swallowed *tumah* does not convey *tumah*.]

The *Gemora* asks: We have now learned that a *tamei* object that has been swallowed cannot convey *tumah*; from where do we learn that a *tahor* object that has been swallowed cannot acquire *tumah*?

The *Gemora* answers: It is through a *kal vachomer*: If an earthenware vessel that is fastened with a closely fitting cover, which cannot prevent a *tamei* matter that is in it from conveying *tumah*, for a master has stated: *Tumah* that is closed up in the ground (or in a vessel - without a *tefach* of space on top of it) breaks through upwards to the sky;

nevertheless, it protects any *tahor* matter that is within it from becoming *tamei*; so in the case of a person, who protects a *tamei* matter that is in him from conveying *tumah*, he should certainly protect a *tahor* matter that is in him from becoming *tamei*!

The *Gemora* asks: How can it be derived from an earthenware vessel, where there it is lenient that it cannot acquire *tumah* by its outside (only through its inside); will you then say this also in the case of a person who can acquire *tumah* from the outside?

The *Gemora* answers: Are we discussing the outside? No, we are dealing with the inside, and on the contrary! With regard to the inside of an earthenware vessel, the law is more strict, since it can *tumah tumah* by its airspace (when something *tamei* is suspended in the airspace of the vessel)!

The *Gemora* finds a source that something swallowed up through the rectum does not acquire or transmit *tumah*.

The *Gemora* asks: From where do we know that something swallowed up by an animal does not acquire or transmit *tumah*?

The *Gemora* answers: It is through a *kal vachomer*: If in the case of a person, who is capable of acquiring *tumah* while alive, prevents an object from acquiring or transmitting *tumah*, then in the case of animals, which are incapable of acquiring *tumah* while alive, should then certainly prevent an object swallowed inside of it from acquiring or transmitting *tumah*!

The *Gemora* asks: How can it be derived from a person where there exists a leniency that he must wait a prescribed period in a house afflicted with *tzara'as* (in order that the clothes that he is wearing be also rendered *tamei*); will you then say that it is so also with regard to animals, which need not wait a prescribed period in a house afflicted with *tzara'as*?

The *Gemora* answers: In respect of what things do you say that an animal need not wait the prescribed period in a house afflicted with *tzara'as*? It is in respect of those articles that are laden upon it. But for such things, a person as well need not linger within (*and the laws regarding an animal are not any stricter than the laws of a person*)! For it was taught in a *Mishna*: If a person enters a house that was afflicted with *tzara'as* carrying his clothing on his shoulders and shoes and rings in his hands (*and they were not being worn*), both he and his belongings become *tamei* immediately. If he was wearing his clothing and had shoes on his feet and rings worn on his fingers, he becomes *tamei* immediately, but his clothing, shoes and rings only become *tamei* if he carries in the house the amount of *kedei achilas haperas* - the amount of time it takes one to eat a half a loaf of bread. The bread must be wheat bread and not barley bread, and the bread must be eaten while he is reclining and together with a relish. [The reason for this is that wheat bread is eaten quicker than barley bread, and one eats quicker while reclining and while staying the bread with relish. We see that a person is not stricter than an animal, for the clothing that he carries is *tamei* immediately – just like an animal; the *kal vachomer* still holds up.]

Rava asks (*on Rabbah*): But we have learned both these rules in a *Mishna*! We have learned the rule concerning a swallowed-up *tamei* matter, and we have learned the rule concerning a swallowed-up *tahor* matter.

The *Gemora* answers that Rabbah had in mind the case where a person swallowed two rings, one *tamei* and the other *tahor*, and he teaches us that the *tamei* ring will not render the *tahor* ring *tamei* (*for anything which is swallowed-up cannot transmit or acquire tumah*).

INSIGHTS TO THE DAF

Should a fetus which is a kohen be considered impure?

In our *sugya* we learn that “swallowed purity” does not become impure. For example, if a person swallowed a ring and entered a house containing a corpse, he becomes impure but not the ring because it is swallowed. In this article we shall address a halachah innovated by some Acharonim about the prohibition of impurity for *kohanim*.

Even in our era, though all of us are impure because of the deceased, male *kohanim* are warned not to become impure again (see Rambam and Raavad, *Hilchos Nezirus* 5:17, and *Mishneh Lamelech*, *Hilchos Aveilus* 3:5, and *Sefer HaMaftaiach*, *ibid*). As such, the *Rokeach* was asked (cited in the *Shach*, Y.D. 371, S.K. 1) how the pregnant wife of a *kohen* may enter a house containing a corpse, lest her baby be male. He replied that as we don't know the fetus' gender and as there is a doubt as to whether it will be born or stillborn, we then have a double doubt (*sefek sefeika*) and one shouldn't be strict.

The fetus is “swallowed” so how does it become impure?

The *poskim* (see *Magen Avraham*, O.C. 343, S.K. 2; *Pischei Teshuvah*, Y.D., *ibid*, S.K. 1; *Responsa Radbaz*, 200; etc.) were amazed at the *Rokeach*'s reply. Did he believe that a fetus can become impure? Did he maintain that the prohibition to make a *kohen*'s impure is valid even for a fetus? (See *Kaba Dekushyasa* and *Kovetz Shi'urim*, II, 41). The Acharonim asked, above all, why the *Rokeach* needed the permission of *sefek sefeika*. After all, the fetus is swallowed up in the womb and we learnt in our *Gemora* that swallowed purity does not become impure. It is obvious, therefore, that its mother may enter a house containing a corpse and what need is there to allow such because of *sefek sefeika*?

The prohibition on impurity and the prohibition to enter:

Because of this tremendous question, many Acharonim (*Responsa Zecher Yitzchak*, 67; *Responsa Achi'ezer*, III, 65; *Kovetz Shi'urim*, II, 41) innovate that aside from the prohibition for a *kohen* to become impure because of the deceased, he has another prohibition of **entering** a house containing a corpse (cf *Nazir* 42b, *Vayikra* 21:11, *Sifra* 21:1).



In other words, they are two separate prohibitions (see *Shach*, 370, S.K. 4, and *Toras HaNazir*, *Nezirus* 3:13). Therefore, though the fetus does not become impure because it is “swallowed purity”, the halachah would forbid its mother to **enter** a house containing a corpse. The *Rokeach* therefore needed the permission of *sefek sefeika*, according to which she may enter a house containing a corpse. What results from such is that if there’s no doubt about the fetus’ gender and it is known that it is male, the kohen’s wife is forbidden to enter a house containing a corpse.

However, this tremendous *chidush* is entirely unnecessary. Some explained (*Nesiv Chayim on Shulchan Aruch*, O.C., *ibid*) that the *Rokeach*’s statement concerns a woman entering a house containing a corpse to give birth there. Therefore, the topic does not concern “swallowed purity” as a fetus, but after birth, when the infant will become impure because of the corpse in the house. The *Rokeach* therefore replies that we have a *sefek sefeika* – a doubt if it is male or female and a doubt if it will be born live (see *Mishna Berurah*, 343, S.K. 3). Of course, in light of this explanation the questions disappear as to if the *Rokeach* maintained that a fetus can become impure and if there is a prohibition on the impurity of a fetus that is a *kohen*, as his ruling concerns a fetus about to be born.

The Oil That Increased Was Swallowed Purity!

The Beis Yosef’s question about Chanukah is well known: Why was Chanukah instituted for eight days? After all, the pitcher of oil had enough for one day and the miracle therefore occurred only during seven days.

The *Shoel Umeishiv* offers an ingenious solution: Tosfos assert (*Shabbos* 21b) that it must have been evident on the pitcher that it had not been moved, because *heset* – moving by an impure person exercises *tumah*. However, it could be that the pitcher had been moved but that the increased miracle oil was already found there in potential, as “swallowed purity” which does not become impure. When

the oil increased, the impure minority became insignificant in the pure majority. Therefore the miracle also occurred on the first day for if not so, they couldn’t light the Menorah with this oil even on the first day (*Responsa*, 4th edition, II, 104).

DAILY MASHAL

He who holds tefillin enters first!

Once the author of *Beis HaLevi* zt”l noticed two people about to enter a synagogue and each of them honored his companion to enter first. One was wearing *tefillin* while the other was holding his *tefillin* in a bag. Apparently, the one wearing *tefillin* should be honored to enter first but the *Beis HaLevi* ruled the opposite and proved so from the *Mishna* cited in our *Gemora*.

A person who enters a house afflicted by *tzora’as* becomes impure immediately, according to the explicit verse: “...and he who enters the house...will be impure”. However, his clothes become impure only if he stays there for a certain time but if he enters holding his clothes in his hand, they become impure immediately. Only the clothing he wears does not become impure immediately. Therefore, concluded the *Beis HaLevi*, when clothing is worn, it is not considered an independent article but as merely subordinate to the wearer and therefore it does not become impure immediately because its entrance into the house is not marked. But when the clothing is not worn, it becomes impure immediately.

Therefore, he who holds the *tefillin* should enter first as when a person wears *tefillin*, their independent importance is not emphasized – it is the person wearing them who enters. On the other hand, when *tefillin* are held in the hand, the *tefillin* enter the synagogue in all their glory and should be given precedence (*Piskei Teshuvah*, 157; see *ibid* in the remark and references; see also *Beitzah* 15a, that *tefillin* are



not a burden on Shabbos because, as we said, they are considered clothing).

Some remarked that, apparently, he who wears *tefillin* should enter first because of the honor of the mitzvah of *tefillin* that he observes. Indeed, the *Mishna* says (Bikkurim 3:3) that everyone would stand in honor of those who brought the first fruits to Yerushalayim and observed the mitzvah of *bikkurim*. However, there are different opinions as to if we can learn from this *Mishna* an obligation to stand in the presence of anyone observing a mitzvah (see *Pischei Teshuvah*, Y.D. 256, S.K. 1, and Bartenura on Bikkurim, ibid) or perhaps this halachah was stated only for *bikkurim* (see Yerushalmi, Bikkurim, ibid, and Rambam's commentary on the *Mishna*).

Still, even according to the opinion that it is an obligation to stand in the presence of anyone observing a mitzvah, there's still a simple difference between the cases. The example cited in the *Mishna* concerns the mitzvah of bringing first fruit and those people actively observed the mitzvah when they went to the Temple bringing *bikurim*. The matter differs concerning someone wearing *tefillin*: after he puts on the *tefillin* he observes the mitzvah passively but not by any action (if not for this difference, we would have to stand in the presence of anyone wearing *tzitzis*...see also Tos. B.K. 56b s.v. *behahi*).