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Arousing Tumah which has been Nullified

Rish Lakish said in the name of Rabbi Yehudah Nesiah: He who buys (fish) brine from an *am ha'aretz* (unlearned fellow) must bring it in contact with water of a *mikvah* (the immersion here is valid based upon “hashakah,” which means that any water connected to the *mikvah* water is regarded as being part of the *mikvah*), and it is then regarded as *tahor*. For in either case (whether there is more fish juice than water in the brine, or whether there is more water than fish juice there), it will be *tahor*: if the larger portion (of the brine) is water, since he brings it in contact with the *mikvah* water, it is *tahor*; and if the larger part is fish juice, the juice is not susceptible to *tumah* (at the outset). We are not concerned for the small quantity of water in the brine, for it has been nullified in the larger portion of the brine.

Rabbi Yirmiyah said: This has been taught only with regard to dipping bread in it, but for cooking purposes (to be used as seasoning), the brine is not permitted, since that kind (the forbidden water, which had not been nullified) has met with its own kind (the water in the pot) and is aroused (for the water is now the majority, and the fish juice cannot nullify the entire mixture).

Rav Dimi was once sitting and repeated this ruling of Rabbi Yirmiyah: Abaye said to him: Can *tumah*, once nullified, be aroused again?

He replied to him: And do you not hold that the *tumah* can be aroused? Have we not learned in a *Mishna*: If a *se'ah* of *terumah*

that was *tamei* has fallen into a hundred *se'ah* of *chullin* that were *tahor* (which nullifies both the *tumah* and the *terumah*; the *chullin* did not become *tamei*, for they were never made susceptible to *tumah*), Rabbi Eliezer says: A *se'ah* is separated and left to rot (as if it was *tamei*), for I maintain that the same *se'ah* which fell in was the same as the one which was separated. But the Sages say: A *se'ah* is separated (for although it is completely nullified, a *se'ah* must be given to the *Kohen*, for otherwise it is as if he would be stealing from the *Kohen*) and eaten in a dried state (so it should not become *tamei*), toasted, kneaded in fruit juice, or divided into (minute) loaves (even when kneaded with water), so that there shall not be in one place the size of an egg (for that is the minimum size which can convey *tumah*). And a *braisa* was taught in connection with this: As to the *chullin* in the mixture, according to Rabbi Eliezer (who said that the *se'ah* which was removed was the one which was *tamei*), what shall become of it? It shall be eaten in a dried state (so it should not become *tamei*), toasted, kneaded in fruit juice, or divided into (minute) loaves (even when kneaded with water), so that there shall not be in one place the size of an egg (for that is the minimum size which can convey *tumah*). And Ulla explained the reason for this: It is a precautionary measure in case he brings a *kav* of *chullin* which is *tamei* from another source and a *kav* and a bit more from this kind, for he thinks that he nullifies it with the larger portion (that is completely *tahor*). However (this would not be effective), since there is this minute quantity of *tumah* in this mixture, its kind (the *tumah* of the new source) will find its own kind (the *tumah* which has been nullified) and the *tumah* will be aroused! [Evidently, nullified *tumah* can still be aroused!]

Abaye replied to him: If *tumah* arouses *tumah* (like in the case just mentioned), shall therefore *taharah* (such as the *mikvah*

waters) stir up *tumah* (the *tumah* water in the fish brine that has already been nullified)? [It should not.]

Abaye asked on Rabbi Yirmiyah (who holds that *tumah* can arouse *tumah*) from the following *Mishna*: Ashes fit for sprinkling (to purify one who had corpse *tumah*) from the *parah adumah* (red heifer) became mixed with regular ashes, we go by the larger portion to convey *tumah* (so that if the larger portion belongs to the *parah adumah*, one who touches them will become *tamei*). But if the greater part is regular ashes, they do not transmit *tumah*. Now, if you say that *tumah* which is nullified is considered as still existing, granted that it does not transmit *tumah* through contact (for the principal of following the majority tells us that the *tumah* – the part which is in the minority – was not touched); still, let it render the carrier *tamei* (for since R' Yirmiyah maintains that the *tumah* – although it is in the minority and has been nullified – nevertheless, it is in existence and remains dormant until it is aroused, accordingly, one who carries this mixture should be rendered *tamei*, for he is carrying *tumah*)!?

Rav Dimi answered: It was indeed stated regarding that: Rabbi Yosi the son of Rabbi Chanina said: It is *tahor* with respect to *tumah* through contact, but it still renders the carrier *tamei*.

Abaye asked: But didn't Rav Chisda say: A piece of *neveilah* meat (one that was not slaughtered properly) becomes nullified when mixed with a larger amount of pieces of slaughtered meat (and therefore, one will not become *tamei* if he touches one of the pieces). [However, a piece of slaughtered meat does not become nullified with a larger amount of pieces of *neveilah*, for it is possible for *neveilah* meat to become like slaughtered meat. How so? If it spoils, its *tumah* status will leave from it. Rav Chisda maintains that this is a mixture of meat of the same kind, for the majority could become like the minority, and therefore, according to Rabbi Yehudah, it cannot become nullified.] Now, why does it become nullified? This is because it is impossible for slaughtered meat to become *neveilah*? [Accordingly, they are treated as two unlike kinds, and everyone agrees that the minority portion can be nullified.] Now (if you say that the *tumah*

is still in existence), then granted that it does not render *tamei* by contact, still, let it render the carrier *tamei*?

Rabbi Yirmiyah replied to him: You taught this ruling in connection with what Rav Chisda said (and therefore you have a question); we taught it in connection with Rabbi Chiya (and, accordingly, have no question), for Rabbi Chiya taught in a *braisa* that *neveilah* meat and slaughtered meat may become nullified in each other. And it was stated regarding this: Rabbi Yosi the son of Rabbi Chanina said: It is *tahor* as not to make *tamei* through contact, but it renders the carrier *tamei*. [A *braisa* can be explained in such a manner; an *Amora*, however, must state such a distinction explicitly.]

The *Gemora* asks on Rabbi Yirmiyah from our *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*. And 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*). Now (if you say that the *tumah* is still in existence), then granted that it does not render *tamei* by contact, still, let it render the carrier *tamei*?

Rabbi Yirmiyah became silent.

The *Gemora* notes (to answer this difficulty): Perhaps it is different here because it (the fetus) is a *tumah* which is putrid (and therefore does not transmit *tumah*).

The *Gemora* asks: This answer is reasonable according to Bar Padda, who said 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; and in the case here (the fetus contained in this clot of blood), it is surely not fit for a human. But, according to Rabbi Yochanan, who said that a *neveilah* can still transmit *tumah* to people or objects until it is unfit to be eaten by dogs — in the case here, is it not fit for

a dog? The *Gemora* concludes that this is indeed a difficulty. (22a – 23b)

Tumah by Inedible Foods

The above text stated: Bar Padda said: 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. But Rabbi Yochanan said: A *neveilah* can still transmit *tumah* to people or objects until it is unfit to be eaten by dogs.

The *Gemora* explains the reason of Bar Padda: *You shall not eat any neveilah; you may give it to the non-Jewish stranger that is within your gates* - whatever is fit for consumption by a stranger is called *neveilah*, and whatever is unfit for consumption by a stranger is not called *neveilah* (and therefore any mixture that has been impaired is permitted).

Rabbi Yochanan understands the verse to be referring to an animal that was tainted from the outset (such as one that was afflicted with boils while it was alive).

Bar Padda says that an animal tainted from the outset does not require a verse to specially exclude it, because it is nothing more than earth.

The *Gemora* asks on Rabbi Yochanan from our *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*. And 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*). And Rabbi Yochanan explained: 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.*] Now, what need is there for the principle of nullification

by majority; why not derive this from the fact that it was not fit at all for a human?

The *Gemora* answers: In this case, it was suitable to be eaten, on account of its mother (for if the animal did not discharge and it was slaughtered and a clot of blood was discovered, the clot would have been fit for a human along with the meat of the mother (*for it would not have been repulsive then*); it is therefore regarded as being fit even now. [*Consequently, were it not for the fact that it is nullified by the larger portion, it would transmit tumah.*] (23b)

Fish Brine of an Am Ha'aretz

We have learned elsewhere in a *Mishna*: Rabbi Eliezer ben Yaakov said: *Tahor* brine (*of an am ha'aretz*), into which there fell a little water (*after the initial water had been purified through hashakah – contact with the waters of a mikvah*), is regarded as *tamei*. [*When a little more water fell into the brine, the parts (the two waters) which were of like kind, combined, and the tumah is reawakened; and the water, being more than the brine, therefore becomes tamei. According to the opinion who holds that tumah cannot be reawakened (Abaye), the Gemora could be explained as referring to a case where more water belonging to an am ha'aretz, and therefore tamei, fell into the brine and rendered the existing water tamei.*]

Rav Nachman said in the name of Rabbah bar Avuhah: This proves that the *am ha'aretz* is suspected of mixing half water in brine.

The *Gemora* asks: But why half? Why not even less than a half, for together with the little water here, it makes a half, and a half does not become nullified?

The *Gemora* answers: Read: Up to a half. Alternatively, I can answer that the *tumah* imposed with reference to an *am ha'aretz* is a Rabbinic enactment, and the *tumah* of liquid is also a Rabbinic enactment (*for, on a Biblical level, liquid cannot be rendered tamei*). Therefore, in the case where the water is the

majority, the Rabbis decreed *tumah*, but where there is half and half, the Rabbis did not decree *tumah*. (23b)

DAILY MASHAL

Once a heartbroken widow came before R' Hirshel of Riminov to cry over her sad plight. After her husband passed away, she entered into a legal battle with her stepchildren over the inheritance. The Beis Din was presided over by one of the most prominent Rabbinic figures of the generation. He carefully listened to both sides, interrogated the witnesses, and referred to the relevant sources in Shas and Poskim. After a thorough perusal of the sugya, he ruled in favor of the children. The widow was left with almost nothing, and so she went to R' Hirshel to ask for help.

In those days it was customary for a Beis Din to write extensive responsa together with their decisions. Therein, they would explain how they based their decision on the Torah, by citing conclusive proofs from the Gemara and earlier Poskim. R' Hirshel asked to see the court's ruling. She happened to have it with her, so she gave it to him to see. He looked through the ruling carefully two or three times, examining the sources, and considering the matter. After a few moments he looked up and told her to go back to the Beis Din and tell them in his name that the ruling is mistaken. They should go back to the sources in the Gemara and Poskim, and they will see that they had misjudged.

As could be predicted, the Beis Din at first refused to hear her claims. R' Hirshel was known in those days as a holy Rebbe of Chassidim, but not necessarily as one of the eminent Talmudic geniuses of the generation. "What business is it of his to interfere with our rulings?" they asked. However, the widow was so upset, and begged them so profusely to reconsider, that they finally consented. The Beis Din was convened again, the Rabbonim again interviewed the two claimants and their witnesses, and again they went through the sugyos of the Gemara and Poskim. This time, they noticed several crucial points to her argument that they had

indeed overlooked. After a careful deliberation, they decided to annul their first ruling. They made a second responsum, in which they awarded a substantial portion of the estate to the widow, granting her enough money with which to live comfortably for many years.

For years afterward, the Av Beis Din wondered how R' Hirshel had noticed his mistake. The point on which R' Hirshel had caught them was such a fine nuance, that it would take a veritable Talmudic genius to notice it.

How did he know.....?