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Terumah that is Possibly Tamei

The *Gemora* notes that the following *Tannaim* argue as to the interpretation of Scriptural verses, for Rav Yehudah said in the name of Shmuel, and Rish Lakish also said, and Rav Nachman also said in the name of Rabbah bar Avuhah: It is written: *Hashem* says: “I gave you the guarding of *terumosai* – my *terumos*,” referring to two types of *terumah*. Rabbi Eliezer says these are both pure and possibly impure *terumah*, both of which one must guard from impurity (which means that the Torah is teaching us that one should make sure that *terumah* in a suspended state should be safeguarded that it is not rendered definite *tumah*). Rabbi Yehoshua says that word is written with the same letters as *terumahsi* – my *terumah*, referring to only one type of *terumah*, i.e., pure *terumah*, leaving no source to guarding possibly impure *terumah* from impurity.

The *Gemora* asks: Does this mean to say that Rabbi Eliezer holds that the way a word is pronounced is determinant in Biblical exposition (*yeish eim lamikra*)? The following *braisa* was cited in contradiction: “*b’vigo bah*.” Once he (*the master*) spread his cloak over her (*a maidservant - in marriage, and then divorces her*), he (*the father of the former maidservant*) cannot sell her (*a second time*); these are the words of Rabbi Akiva. Rabbi Eliezer says: This teaches that once he betrayed her (*sold her as a maidservant*) he cannot sell her. [What is their argument? Rabbi Eliezer says: The way the word is written in the Torah is written is determinant in Biblical exposition (*yeish eim*

lamesores). Rabbi Akiva says: The way it is read is important. “Important” here refers to how we understand the intent of the Torah. If we focus on the word as it is read, it refers to clothing, while if we focus on the letters, it refers to being sold.]

Rather, the difference of opinion (regarding *terumah* which might be *tamei*) is in connection with the word ‘you’ (when the Torah writes: I gave you the guarding of *terumosai*): Rabbi Yehoshua holds that the interpretation is as follows: The *terumah* that is fit (to be eaten) by ‘you’ should be protected from further *tumah*, whereas that which is not fit for you (such as *terumah* which might be *tamei*), you need not protect. Rabbi Eliezer, however, maintains that doubtful *terumah* is also fit for you, for Eliyahu may come and pronounces it *tahor*. (34a)

Halachah like R’ Shimon

Rav Yehudah reported in the name of Shmuel: The *halachah* is like Rabbi Shimon.

Rav Nachman bar Yitzchak asked: Which Rabbi Shimon? [In the Mishna there is the following disagreement: A *bechor* who is dangerously ill, and can be healed through bloodletting. The Sages says that he cannot let blood if it will make a blemish. Rabbi Shimon says that one may let blood, even in a way that makes a blemish, for he does not intend for that to happen. In a *braisa* there is the following dispute: The Sages maintain that a *bechor* may not be

slaughtered based on a blemish caused by bloodletting. Rabbi Shimon, however, holds that it may be slaughtered based on that blemish.]

He cannot be referring to the Rabbi Shimon of the *Mishna*, for has Shmuel not already informed us that a forbidden act effected unintentionally is permissible? But Rabbi Chiya bar Ashi reported in the name of Rav that the *halachah* is according to Rabbi Yehudah; whereas Rav Chanin bar Ashi said in the name of Shmuel that the *halachah* is according to Rabbi Shimon! And Rabbi Chiya bar Avin taught without citing any authorities, as follows: Rav says that the *halachah* is according to Rabbi Yehudah, whereas Shmuel says that the *halachah* is according to Rabbi Shimon!

Rather you must say that he was referring to the Rabbi Shimon of the *braisa*, and Rav Shisha the son of Rav Iddi taught this explicitly: Rav Yehudah said in the name of Shmuel that the *halachah* is like Rabbi Shimon of the *braisa*. (34a)

Mishna

If one makes a slit in the ear of a firstborn animal, he must never slaughter it; these are the words of Rabbi Eliezer. The Sages, however say: When another blemish develops, he may slaughter it on its account. (34a)

Penalize for How Long?

The *Gemora* asks: And does Rabbi Eliezer penalize forever? The following *Mishna* was cited in contradiction: If one had a *baheres* (a whitish spot on the skin; one of the symptoms of *tzara'as*) and it was cut off (unintentionally) he becomes *tahor*. If, however, he cut it off intentionally, Rabbi Eliezer says: When another (*tzara'as*) spot appears on him (from which he is pronounced *tahor*), then he is

declared *tahor* from the first as well (for this proves that the first *tzara'as* spot would also have healed had it not been cut off). But the Sages say: He is not declared *tahor* until the second affliction breaks out all over his flesh (for the law is that one is declared *tahor* if the *tzara'as* spreads all over his body), or it was cut off while it was less than the size of a *gris* (a bean; explanation according to *Rashi*)!? [Evidently, R' Eliezer does not penalize forever!]

Rabbah and Rav Yosef both replied: Rabbi Eliezer penalizes (forever) only where a person's property is concerned, not where his body is concerned.

The *Gemora* explains the rationale for this distinction: Regarding his property (*the bechor*), one can say that he may do it (for we say that if by causing the blemish he is permitted to slaughter the animal, then he benefits through it, and if he has to wait till another blemish appears, then he has lost nothing, as in any case he would have had to wait for another blemish to appear; we therefore penalize him never to slaughter it, so as to prevent him from inflicting any blemishes), but regarding his body, can it be said that he would do it in either case? [We have no need to make him *tamei* forever, for he will not cut off the *baheres*, and put himself in a doubtful position, for firstly, if another *tzara'as* spot does not appear, he will never be *tahor*, and secondly, even if another *tzara'as* spot appears, what benefit is it to him, since he is afflicted as before; it is therefore better for him not to cut off the *baheres* and to wait in case it heals.]

Rava said: Is there only a contradiction between Rabbi Eliezer here (in our *Mishna*) and Rabbi Eliezer (in the *Mishna* in *Nega'im*)? Is there not a similar contradiction between the Sages (in our *Mishna*) and the Sages (in the *Mishna* in *Nega'im*)?

Rather, the difficulty regarding Rabbi Eliezer has already been resolved, and regarding the difficulty in the case of the Sages, this is also not a problem, for here (*by bechor*), we penalize him in what he did, and here (*by tzara'as*), we penalize him in what he did. The *Gemora* explains: With what did he intend to make it (*the bechor*) permitted? It is by means of this blemish. The Rabbis therefore penalized him by ordering that the *bechor* should not be permitted on account of this very blemish. And here (*by tzara'as*) we penalize him in what he did. He intended to make himself *tahor* by the cutting off of this *baheres*. The Rabbis therefore penalized him for this very cut (*and they regarded it as if it was never cut off, so that even if he becomes tahor from the second affliction, he is not tahor from the first, unless the tzara'as covers his entire body*).

Rav Pappa inquired: Does it (*R' Eliezer*) mean 'he shall become *tahor*' (*from the first affliction when the second one appears*), or 'he is *tahor* from it' (*at the same time that he becomes tahor from the second affliction*)?

The *Gemora* notes the practical difference between them: In the case of a bridegroom (*who was tamei with tzara'as*) on whom there appeared this (*second*) *tzara'as* spot. For we learned in a *Mishna*: In the case of a bridegroom on whom there appears a *tzara'as* affliction, we give him seven days (*of the wedding week not to see the Kohen, for we want him to fulfill the mitzvah of rejoicing with his bride for seven days, and as long as a Kohen does not see the affliction and declare him tamei, he is still deemed tahor*) - to him, to his cloak, and to his garments. And likewise, in the case of any person on a festival, we give him the entire festival (*in which not to see a Kohen*). Now if you say that it means 'he shall become *tahor*' (*from the first affliction when the second one appears*), then he is *tahor* from the first affliction (*as soon as the second one appeared*), and regarding the second, we wait seven days for him. But if you say that it means 'he is *tahor* from it' (*at the same time*

that he becomes tahor from the second affliction), it would not help that he is not *tamei* from the second affliction, for he is still *tamei* from the first one. What is the correct understanding?

The *Gemora* leaves this question unresolved.

Rabbi Yirmiyah inquired of Rabbi Zeira: What if one slits the ear of a firstborn animal (*and thus disqualifies it for being brought as a korban, enabling himself to eat it*) and then dies, is his son penalized after him?

The *Gemora* notes that even if you would say that one who sold his slave to an idolater and then he died, that we penalize his son to buy him back, the reason there may be because every day (*by virtue of the fact that he remains with the idolater*) he is prevented from carrying out *mitzvos* (*and that is why the son must redeem the slave, but here, no ongoing issue remains with the blemish on the bechor that we would need to penalize the son*). And even if you will say that if one scheduled his work for *Chol Hamoed* and then he died, we do not penalize the sons as we would to the father and they are not compelled to surrender the profits; that may only be because the father had not committed any transgression (*for he died before committing the transgression*). What is the *halachah* in this case? Did the Rabbis only penalize he who inflicted the blemish, and he is not here any longer? Or perhaps, they penalized his property, and they (*the bechor*) are still here?

Rabbi Assi said: There is a proof from the following *braisa*: If a field has been cleared of thorns during *shemitah* (*which is a Rabbinical prohibition*), it can be sown during the eighth year. [*Although it emerges that he is benefiting from the work which he did during shemitah, since it is only a Rabbinical prohibition, the Rabbis did not penalize him.*] If, however, he fertilized the field, or if he fenced in cattle



there (*in order for the field to be manured*) during the *shemita* year, it must not be sown during the eighth year (*for this work is considered significant*). And Rabbi Yosi the son of Rabbi Chanina said: It has been established that if he fertilized it and then died, his son may sow it. Evidently, the Rabbis penalized him, but not his son.

Abaye said: It has been established that if a man intentionally contaminates stuff belonging to another which he desired to keep ritually clean, and then dies, the Rabbis did not penalize his son after him. What is the reason? Damage which is not recognizable is not (*Biblically*) reckoned as damage, and the penalty for it is Rabbinical in origin, and the Rabbis only penalized the man who does the damage, but they did not penalize his son. (34a – 35a)

DAILY MASHAL

“Eim” or “Av”?

The *Gemora* asks: Does this mean to say that Rabbi Eliezer holds that the way a word is pronounced is determinant in Biblical exposition (*yeish eim lamikra*)?

The Rif was questioned as to why the *Gemora* uses the word *eim*, which means mother, and not *av*, which means father. A similar question would be that the *Gemora* refers to one of the thirteen principles of Biblical hermeneutics as a *binyan av* and not a *binyan eim*.

The Rif initially responded that he never heard anyone shed light on this matter, but then he proceeded to offer a possible explanation. When the purpose of a principle is to teach a concept in a different area, the *Gemora* uses the term *av*, whereas if the discussion at hand is regarding relying on a principle, the *Gemora* uses the word *eim*.

Shearim Mitzuyanim B'Halacha explains the words of the Rif. The mother is the *akeres habayis*, the mainstay of the house as it is said *every honorable princess dwelling within*. For this reason we say *yeish eim lemikra* or *yeish eim lemasores*, as the mother is the central figure in the house and it is the mother who everyone is dependant upon. The father, on the other hand, is not usually found in the house, as he leaves the house to seek a livelihood. The principle of a *binyan av*, however, is that we are building from one location to another, and this is analogous to a father who influences others. (See *Rabbeinu Bachye to Devarim 33:8 for further discussion on the differences between the father and mother.*)