

OVERVIEW of the Daf

1) Tum'ah of utensils (cont.)

It is suggested that an earthenware utensil should be capable of contracting tum'ah from the outside.

The suggestion is rejected.

It is suggested that standard utensils should be capable of contracting tum'ah from the inside.

This suggestion is also rejected but an exchange about the matter follows.

It is suggested that regular utensils should contract tum'ah only from physical contact on the inside.

This suggestion is rejected.

2) **MISHNAH:** The Mishnah contrasts the capacity of wood and metal utensils to contract tum'ah.

3) Metal and wooden utensils

A Baraisa elaborates on the difference between wood and metal utensils.

A point in the Baraisa is explained.

R' Yochanan and R' Nachman disagree about the difference between unornamented metal and unornamented wooden utensils.

The practical difference between their positions is explained.

The implication of this discussion is that bone utensils are susceptible to tum'ah and a Baraisa is cited that supports this implication.

4) **MISHNAH:** The Mishnah contrasts the tithing obligation between bitter almonds and sweet almonds.

5) Almonds

A Baraisa discusses the tithing obligation of sweet and bitter almonds.

R' Ila'a rules in favor of the position that all small almonds are exempt from tithing.

R' Yochanan explains what can be done with large almonds according to the opinion that obligates them to be tithed.

6) **MISHNAH:** The Mishnah contrasts the two different stages of *temed*. The Mishnah also contrasts the two ways that brothers can share their father's property.

7) Identifying the author of the Mishnah

It is noted that the Mishnah does not seem to follow the view of R' Yehudah or that of Rabanan. ■

Distinctive INSIGHT

Partially formed utensils of wood, metal and bone

כלי עצם ככלי מתכות דמו

A Baraisa distinguishes between utensils being made from wood and those being made from metal regarding the status of their ritual impurity. If a utensil made from wood has been carved out, but it is not yet finished, it is already capable of contracting ritual impurity, but just a flat piece of unshaped wood is not capable of being impure. Metal utensils in development stages are the opposite. Plain, flat pieces of metal can become impure, but partially shaped, incomplete pieces are not considered a utensil, so they are not susceptible to ritual impurity.

The Amoraim explain why a partially shaped piece of wood is impure but a partially shaped piece of metal is not. R' Yochanan says that metal is usually formed into a significant and respectable utensil, but an unshaped piece is not considered important at all. Wood, however, even as a finished product is generally not an expensive item. Therefore, a wooden piece which is in the process of being formed is not severely deficient from its final product, and it may become impure.

R' Nachman explains that a finished metal utensil is generally expensive, and a developing piece has little relative value. A finished wooden utensil is generally not too expensive, so a partially formed piece of wood already possesses part of that final value, so it may be treated as a partial utensil and it may become impure.

An example of the difference between the explanations given by R' Yochanan and R' Nachman would be a utensil made of bone. A finished bone product is expensive, but it is not used for elegant functions. Therefore, a partially shaped

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REVIEW and Remember

1. What is the source that one may not slaughter the *עגלה ערופה*?
2. What is the difference between a kohen and a levi regarding the qualifications to serve in the Beis HaMikdash?
3. How can a verse discussing levi'im teach about kohanim?
4. In terms of contracting tum'ah, what is the difference between an earthenware utensil and utensils made of other materials?

Today's Daf Digest is dedicated
By Mr. & Mrs. Dennis Ruben in memory of their parents
ר' אברהם וואלף בן ר' בערל ז"ל
ר' חיים שלום בן ר' בנדיט מאיר ז"ל

HALACHAH Highlight

Does each orphan have to pay into the community tax?

האחין השותפין כשחייבין בקלבון פטורין ממעשר בהמה

Brothers who are partners: when they are obligated to pay a kalbon they are exempt from tithing their animals

Teshuvus Maseis Binyomin¹ was asked to issue a ruling related to the proper collection of taxes. In his times the government would assign a community a tax bill and the community would decide amongst themselves how the residents would contribute towards the sum. In this particular town the agreement was that half the tax would be collected in accordance with each person's wealth. The wealthier would contribute a higher amount and the poorer would contribute a lesser amount. The second half was essentially a head tax and each head-of-household would contribute the same amount regardless of the family size. Additionally, the head-of-household's contribution covered his children who he supported (הסמוכים על שלחנו). The question sent to Maseis Binyomin was in regard to orphans. Does each orphan have to contribute for himself or is it sufficient for one payment to be made on behalf of all of them?

Maseis Binyomin responded that the answer to this question depends upon whether they already divided their father's estate or not. Our Mishnah teaches that if the brothers divided their father's estate and then joined together as partners they are considered no different than any other partners. Therefore, if two of them contribute a single shekel to cover each of their obligations they must add two kalbonos which is the surcharge that Chazal added to the half shekel obligation. However, when a father pays a shekel on behalf of his two sons he is exempt from paying the kalbon surcharge. Similarly, if the or-

(Insight...continued from page 1)

bone utensil would be susceptible for ritual impurity according to R' Yochanan, but not according to R' Nachman.

The Gemara reinforces this explanation, as R' Nachman is quoted, "bone utensils share the same halacha with metal utensils" in that neither can become impure as unfinished products.

Rashi writes that this means that a flat, unfinished piece of bone may become ritually impure. The Rishonim question this, because the Gemara made its comparison between bone and metal in regard to a partially shaped piece, but not in regard to a totally flat unfinished piece.

Rambam (Hilchos Keilim 5:1) writes: "All partially shaped wood utensils may contract impurity, except for box wood, which is insignificant until finished. It seems to me that bone utensils are like box wood, and unfinished utensils of bone do not contract impurity." Ra'aved wonders about this ruling. Unfinished box wood gives a bitter taste to that which comes into contact with it, and this reason does not apply to bone. And if Rambam rules according to R' Nachman, he should say this directly.

Kesef Mishnah (ibid.), among others, deal with this fascinating opinion of Rambam. ■

phans already divided their father's estate but it is all held together as a "partnership" they are considered no different than other partners where each partner must contribute his share to the community for taxes. On the other hand, if the money was not divided, it is still considered as though the father is alive and he is paying the tax on behalf of the members of his family. As such, a single contribution will cover all the members of the household. ■

1. שו"ת משאת בנימין סי' ג'.

STORIES Off the Daf

No Immersion Necessary

"גולמי כלי מתכות..."

Many people purchase canned goods from Jewish-owned factories. But a certain rav did not understand why the factory owners need not immerse these cans before filling them. "It is not as though cans used by Jewish factories are produced by Jewish concerns. The owners procure the cans from non-Jewish companies. They then fill them and seal them shut. Since the cans are fashioned by non-Jews they should require immer-

sion like any metal vessel procured from a non-Jew. Although the custom is to use such canned goods, and there must be a valid reason for this, I cannot fathom why we are lenient..."

When this question was brought to the Chelkas Yaakov, zt"l, he explained one reason this is permitted. "You are correct that there must be a valid reason for this wide-spread custom. A certain rav ruled that these cans are like an unfinished metal vessel discussed in Chullin 25. There we find that unfinished vessels do not impart impurity. Since these cans are only completed when they are covered, they are vessels completed by a Jew which do not require immersion. Alt-

hough the Gemara states there that a metal vessel without a cover is considered a completed vessel, that is irrelevant to the cans procured from non-Jews for a factory. This is clear from Rashi, who explains that a can without a cover is considered complete is because the cover is considered separate from the vessel itself. But cans sent to a factory are exceedingly sharp with jagged edges and cannot be used until they are sealed by the factory. Since they are dangerous in their original state, covering them is considered an integral part of fashioning the vessel itself."¹ ■

1. שו"ת חלקת יעקב, יו"ד, מ"ב

