

OVERVIEW of the Daf

1) Tum'ah (cont.)

The Gemara unsuccessfully challenges the explanation of the Mishnah by R' Elazar in the name of R' Hoshaya.

Ulla in the name of his colleagues suggests another explanation of the Mishnah.

The Gemara explains that the colleague to whom Ulla referred was Rabbah bar bar Chana and quotes the relevant discussion between R' Eliezer and R' Yehoshua.

R' Yannai is cited as ruling that one who eats unconsecrated food that became third degree tum'ah that had been prepared with the taharah needed for kodesh becomes a second degree tum'ah.

This ruling is unsuccessfully challenged.

Ulla rules that one who eats unconsecrated food that became third degree tum'ah that had been prepared with the taharah needed for terumah becomes disqualified from eating terumah.

The novelty of this ruling is explained.

This ruling is challenged. ■

REVIEW and Remember

1. How does Ulla explain the Mishnah in accordance with R' Yehoshua?
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2. What is the point of dispute between R' Yehoshua and R' Eliezer?
.....
3. What is the point of dispute regarding R' Yochanan's position?
.....
4. What is the difference between tamei and pasul?
.....

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ר' ישראל בן ר' דוד, ע"ה

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מרת רויזא בת ר' אברהם, ע"ה

by Rabbi and Mrs. Chayim Knobloch

Distinctive INSIGHT

If someone eats a shelishi, he becomes a sheni

אף אני לא אמרתי אלא בתרומה שטהרתה טומאה היא אצל הקודש

The Mishnah (33a) taught that if an animal is shechted and did not bleed, the shechita is valid, and the flesh of the animal does not become susceptible to contract tum'ah. Therefore, the meat may be handled with hands that are impure. Rabbi Shimon disagrees, and he holds that the very act of shechita prepares the meat to be susceptible to contract tum'ah.

The Mishnah suggests that had the meat come in contact with blood, it would become tamei by coming into contact with someone's hands, even though a person's hands are a second-degree tum'ah, and meat which is chullin cannot generally become a third-degree level of tum'ah.

Among the explanations given for the law in our Mishnah is that of R' Elazar in the name of R' Hoshia. Normally, chullin (non-consecrated foods) can only acquire a second-degree level of tum'ah. Terumah may even obtain a third-degree of tum'ah, while kodoshim (i.e. meat from offerings) may even be affected by a fourth-level of tum'ah. If someone accepts upon himself to eat his chullin with the care and precautions necessary for kodesh, his chullin may become contaminated by a sheni (a second-level) of tum'ah, and his food can be defiled as a result with a third-level of tum'ah, similar to kodoshim. We are therefore dealing in a case where someone wished to maintain this meat on the level of kodoshim.

The Gemara notes that this is unlike the view of R' Yehoshua in the Mishnah (Taharos 2:2). There, we find that a person can only become tamei if he comes into contact with an Av HaTum'ah, causing him to become a rishon. The rabbis instituted tum'ah for a person who consumes food or drink that is tamei. R' Yehoshua says that if someone eats food that is a rishon or sheni, he becomes a sheni. If he eats food that is a shelishi, he becomes a sheni for kodoshim, but not for terumah. The Mishnah adds that R' Yehoshua recognizes these levels only when the tamei food eaten is chullin that is maintained on the level of terumah. We infer that this is only true for chullin being kept on the level of terumah, but not for chullin being guarded for the level of kodoshim. This is unlike the view presented to explain the tum'ah of the meat as discussed in our Mishnah.

When R' Elazar challenged R' Yehoshua and asked how is it that one who eats a sheni or even a shlishi then becomes a sheni (for kodoshim), R' Yehoshua explained that he only said that this can be true regarding chullin which is guarded for terumah, which, as Rashi explains here, we find has a rabbinic status of being tamei in regard to kodoshim. In Shabbos (14a), Rashi explains that food which is unable to defile terumah (shlishi or less) can defile kodoshim. Once the rabbis treat this as at least a shlishi, they also advanced it to be considered a rishon. ■

HALACHA Highlight

Eating fowl after eating cheese

בשר בבשר מיחלף בשר בפירי לא מיחלף

Meat can be confused with meat but meat is not confused with fruit

Shulchan Aruch¹ wrote that one who eats cheese is permitted to eat meat immediately afterwards as long as he examines his hands to assure that he does not have cheese residue on his hands. At night when it is not possible to visibly examine one's hands they must be washed. One must also wipe out his mouth which involves eating bread or other food except for foods that get stuck in one's teeth. One must also rinse out his mouth by drinking water or wine. This procedure must be followed only when one will eat mammal's meat after cheese but one who will eat fowl after cheese is not required to follow this procedure. Rema² writes that some opinions maintain that one must wait six hours after eating cheese before eating meat and custom follows that opinion when one wants to eat meat after hard cheese. Others, however, are lenient and one should not protest their practice but one must wipe and rinse his mouth. It is best, though, for one not to be lenient. Sefer Yad Yehudah³ asserts that Rema's intent was to be stringent and require wiping and rinsing one's mouth as well as wash-

ing one's hands even if one intends to eat fowl after hard cheese which is more stringent than Shulchan Aruch who did not require this procedure for eating fowl after cheese.

Shulchan Aruch's position is based on Rambam⁴ who writes that wiping and rinsing one's mouth and cleaning one's hands is required for eating domesticated and undomesticated animals after cheese but none of these practices must be done for eating fowl. Rashba⁵ notes an inconsistency in this ruling. Our Gemara teaches that people could confuse different types of meat and that is why one must be stringent concerning meat from an undomesticated animal but by the same token one should also have to be stringent regarding fowl since one could also confuse that with meat from a domesticated animal. Knesses Hagedolah⁶ answers that truthfully people do not confuse fowl with meat but the reason that was not mentioned was that the Gemara was contrasting fruit and meat and the fact that fowl is different did need to be mentioned. ■

¹ שו"ע יו"ד סי' פ"ט סעי' ב'.

² רמ"א שם.

³ יד יהודה פירוש הארוך סק"ג.

⁴ רמב"ם פ"ט מהל' מאכלות אסורות הכ"ז.

⁵ תורת הבית הארוך בית ד' שער ג'.

⁶ כנסת הגדולה יו"ד סי' פ"ט הגב"י אות ז'.

STORIES off the Daf

Impurity Permitted to Kohanim

”והשלישי נאכל...”

One of the most complex halachic issues of raising livestock is what should be done with first-born animals. Although there are ways to circumvent this problem a certain person forgot to take care of this. Naturally, the first-born animal was a bechor and could not be used in any way. Eventually the animal grew up and died. But when the farmer learned that he was obligated to bury the carcass he realized that he was still in trouble. It was illegal in his environs to bury animals in a cemetery or anywhere near the city. He had two

realistic choices. Either bury the animal in the courtyard of the synagogue or under the floor of the guest house. Unfortunately both had potential halachic problems. Wasn't burying an animal in the shul's courtyard a disgrace to the shul? And since kohanim stayed in the guest house he was afraid the carcass would impart defilement which is not permitted to a kohain.

When this question reached the Shevus Yaakov, zt"l, he ruled decisively. “Although we never find that the courtyard of a shul has sanctity, it is still forbidden to bury an animal within fifty amos of a shul as we see from Bava Basra 25 and Choshen Mishpat #155.

“But you can definitely bury the animal under a room in the guest house, even though kohanim frequent

this room. This is clear from Tosefos in Chullin 34 who learns from Rosh H-shanah 16 that a kohen may touch a neveilah or sheretz. Although the Gemara there is not conclusive, you rely on this and bury the animal under the guest house.”¹ ■

¹ שו"ת שבות יעקב, ח"ג, סי' ח'.

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