

OVERVIEW of the Daf

1) Hidden tum'ah

The Gemara continues to develop its proof that according to R' Yosi hidden tum'ah does not break through its covering.

A contradiction between two rulings of R' Yosi about this matter is noted.

Rava resolves the contradiction and explains that R' Yosi disagrees with R' Meir regarding two points.

R' Acha the son of Rava cites proof for this interpretation of the Mishnah.

2) Forming an ohel and contact

The Gemara identifies R' Shimon as the Tanna who would disagree with R' Yosi, according to R' Yochanan's interpretation, as to whether we equate the transmission of tum'ah by ohel with the transmission of tum'ah through contact.

3) Marrow bone of a neveilah or a sheretz

A Baraisa is cited that provides the sources for the Mishnah's rulings regarding the marrow bone of a neveilah or a sheretz.

Two unsuccessful challenges to this exposition are recorded.

R' Oshaya inquires whether a bone that one intends to puncture already transmits tum'ah.

He then answers that it would indeed transmit tum'ah.

4) MISHNAH: The Mishnah first explains when the egg of a sheretz in which an embryo has formed conveys tum'ah and then discusses the status of a dead mouse that is half flesh and half earth.

5) Egg of a sheretz

A Baraisa is cited that presents the expositions that teach the halachos cited in the Mishnah related to the eggs of a sheretz in which an embryo has formed.

6) A mouse that is half flesh and half earth.

R' Yehoshua ben Levi asserts that the Mishnah refers to where one side of the mouse developed into flesh completely.

According to a second version R' Yehoshua ben Levi's comment was made in reference to the end of the Mishnah.

The Gemara explains the difference between these two versions.

The Gemara begins to cite a Baraisa that will discuss the tum'ah status of a mouse that is half flesh and half earth. ■

Distinctive INSIGHT

Stated intent to puncture the egg or the marrow bone

בעי רב אושעיא חישב עליה לנוקבה ולא ניקבה מהו? נקיבה כמחוסר מעשה דמי או לא?

A Baraisa taught that the marrow bone of a sheretz is subject to the laws of tum'ah. The Baraisa states, however, that the laws of tum'ah only apply in these cases if the egg is punctured and if the marrow bone is punctured. This is based upon the verse which states that tum'ah is transmitted only when the contents of the bone are exposed and are theoretically able to be "touched." The size of this hole only has to be as large as a strand of hair.

Rav Oshaya asked what would the halacha be in a case where a person thought about making a hole in the bone, but he had not yet actually punctured it. Does his lack of doing the act of puncturing it make his intentions irrelevant, and therefore this bone will not yet convey tum'ah? Or are the person's plans and intentions enough for the contents of the bone to be considered accessible? Subsequent to making his inquiry, we are told that Rav Oshaya resolved his query and determined that the lack of the actual puncturing is not like the action is incomplete, and the person's intentions to puncture the bone already create a situation where the bone can transmit tum'ah.

A number of questions can be presented regarding the inquiry of Rav Oshaya. Nezer HaKodesh wonders why intent to puncture the bone should be a factor regarding tum'ah of the marrow bone of a sheretz. The fact is that tum'ah of such a bone is contingent upon being able to touch the marrow, which is the source of the tum'ah. Until there is an actual hole in the bone, the marrow is sealed and unable to be touched, so there should be no tum'ah. He provides an answer based upon the Gemara in Shabbos (84b) and Tosafos there. The halacha is that a narrow-necked earthenware jar that is sealed cannot become tamei through any contact with a zav. However, a wide-necked container, even if sealed, can become tamei if a zav moves it (היסט). The reason is that such a jar will eventually be opened, so we consider its being sealed only as a momentary condition, which does not prevent the tum'ah from being transmitted to it. In a parallel situation regarding a marrow bone, if it was punctured and the hole was sealed, we would say that the hole is expected to eventually be reopened. Therefore, Rav Oshaya inquired whether once the person states his intent to puncture the marrow bone, is the marrow inside due to be exposed already seen as being open, whereby we say that the tum'ah is already accessible, or not.

Shoshanim L'David explains that Rav Oshaya resolved his inquiry by noting that the tum'ah of a punctured bone is learned from the verse which says "יטמא," which is written in the future tense. This suggests that intent is enough for the bone to be considered punctured and its contents exposed. ■

HALACHAH Highlight

Including someone who is standing in the doorway in a minyan

הכלב שאכל בשר מת ומת הכלב ומוטל על האסקופה

If a dog ate the flesh of a corpse and the dog died and it is now lying across the threshold

Shulchan Aruch¹ rules that the ten people who constitute the tzibbur must be standing in the same location and the sh'liach tzibbur must be together with them. Whether someone standing in the doorway counts towards the minyan depends upon where in the doorway he is standing. If when the door closes he will be behind the doorway he does not count towards the minyan but if he will be inside he does count towards the minyan. The source of this law is the restriction against taking the Korban Pesach to another location. The Gemara Pesachim (85b) discusses the point at which the korban is considered to have been taken out of the house and that discussion is the source for the halacha of forming a minyan. Mishnah Berurah² cites authorities who disagree and maintain that even if someone would be behind the door if it were closed as long as the doorway is open and he stands in that doorway he counts towards the minyan. Mishnah Berurah rules in accordance with this opinion.

Chikrei Lev³ also writes about this issue of whether the doorway is considered inside the room or outside of the room and whether one should derive this halacha from the laws of the Korban Pesach or from another source. Towards the end

REVIEW and Remember

1. What is the contradiction between R' Yosi's two rulings?

2. What are the points of dispute between R' Yosi and R' Meir?

3. Explain מחוסר נקיבה כמחוסר מעשה דמי.

4. What is the difference between the two versions of R' Yehoshua ben Levi's comments?

of his discussion he cites a Mishnah quoted in our Gemara to prove that the doorway is considered inside. The Mishnah discusses a dog that ate flesh from a corpse, died and is now lying across the threshold of a house with its neck within the area of the threshold. R' Yosi rules that we look at how the dog is lying. If it is from the doorstep inside, the house is tamei and if it is from the doorstep toward outside, the house is tahor. This demonstrates that whatever is inside the doorway is considered inside and what is outside the doorway is considered outside. The same principle, he asserts, applies as far as counting people for a minyan. ■

1. שו"ע או"ח סי' נ"ה סעי' י"ג.

2. מ"ב שם סק"נ בשם מג"א.

3. שו"ת חקרי לב או"ח סי' כ"ה. ■

STORIES Off the Daf

A Change of Viewpoint

"עכבר שחציו בשר וחציו אדמה..."

Some people find it troubling that certain matters discussed in the gemara seem to contradict modern science. For example, when someone asked Rav Samson Raphael Hirsch, zt"l, about the mouse that is half flesh and half dirt from today's daf, he answered very much to the point. "You must know that there are some cases in the Talmud which were the talk of their time, when people believed that such creatures existed. The gemara is merely telling us what the halachic status of such a creature would be were it to exist and how the people of their time

understood its nature. The fact that they related to the common conception does not mean that they validated that such a creature had to have lived or that it was truly half earth and half flesh."¹

A fairly common halachic issue emerges from this question, however. If one holds that modern scientific findings can reveal realities that are unlike that which we find in the Gemara, he must follow this through to its logical conclusion: if a leniency is based on a statement that science rejects—with compelling proofs—he can no longer rely on this leniency. But this point is by no means conclusive.

Shortly before Rav Shlomo Zalman Auerbach, zt"l, was brought to the hospital for the last time, someone asked him if it is permitted to kill lice on Shabbos—

as we find in Shabbos 107, and Shulchan Aruch in siman 316.

"Of course it is permitted," he answered. "If it says something is permitted in Shulchan Aruch, it is definitely allowed."²

R' Yosef Shalom Elyashev, zt"l, disagreed in this particular case, however. "You must certainly refrain from killing the lice found nowadays, since the gemara permits killing lice because they do not reproduce normally. Since the lice found nowadays do reproduce in the normal manner, we must suspect that the lice of today are not the same as the lice the Gemara permits one to kill."³ ■

1. כן שמעתי בשמו. ועיין פחד יצחק (ערך צידה

שכתב מעין זה, ובספר הברית מאמר י"ד, פי"ח), שחולק עליו

2. שלחן שלמה, ה"ל שבת

3. תורת שבת, סי' שטי"ז, סי"ק ט"ו. ■