

OVERVIEW of the Daf

1) Dangling limb (cont.)

R' Zeira and R' Assi continue to discuss the last ruling of the Beraisa that relates to flesh cut from a limb taken from a living animal after he designated the limb as food.

Rava offers an explanation why the limb is tamei.

This explanation is unsuccessfully challenged.

A number of statements or questions are resolved based on Rava's principle that something that conveyed severe tum'ah while it served the function of wood requires preparation for it to become tamei even if it is now categorized as a food.

2) Dangling flesh and limb of an animal that died

The Gemara questions R' Shimon's lenient position regarding the dangling flesh and limb of an animal that died.

The Gemara explains R' Shimon's ruling and then R' Assi in the name of R' Yochanan offers the rationale behind his position.

R' Zeira offers his own explanation of R' Shimon's opinion.

R' Assi accepts this and suggests that R' Yochanan's comment was made in reference to the middle case of the Mishnah.

R' Zeira also challenges this explanation.

R' Assi again accepts this and therefore suggests that R' Yochanan's comment was made in reference to the last case of the Mishnah.

3) MISHNAH: The Mishnah discusses the tum'ah and taharah status of limbs and flesh that dangle from a person.

4) Clarifying R' Shimon's position

The Gemara questions the case to which R' Shimon issued his lenient ruling.

The Gemara answers that R' Shimon was referring to limbs in general rather than one of the cases of the Mishnah and cites a Beraisa that supports this explanation.

5) Clarifying R' Meir's position

The Gemara explains according to R' Meir the difference between a limb severed from a living person and a limb severed from a corpse.

It is noted that this explanation could explain the difference between Tanna Kamma and R' Shimon. ■

*Today's Daf Digest is dedicated by Mr. and Mrs. Abie Gutnicki
in honor of the Bar Mitzvah of their son*

Amitai

*Today's Daf Digest is dedicated by Mr. and Mrs. Adam Saltzman
in honor of the birth and bris of their son*

Distinctive INSIGHT

Categorizing the tum'ah of eiver min hachai

האבר והבשר המדולדלין באדם טהורים

Sefer Zecher Yitzchak (#33) explains that the nature of tum'ah of eiver min hachai (a limb from the living) is the same as the tum'ah of neveilah. The "death" of a single limb is a localized condition of death, and that one limb is now a neveilah.

However, Sefer Na'avav Yaakov (13:3) explains that the tum'ah of eiver min hachai is a separate category of tum'ah with its own rules. In Toras Kohanim (Shemini 4:1) a verse is used to teach that a limb from a non-kosher bird (eiver min hachai) is not tamei. Now, we find elsewhere that the neveilah of a non-kosher bird does not cause tum'ah to one who swallows a piece of it, in contrast to a non-shechted kosher bird, which does cause tum'ah to one who eats a piece of it. Why, then, would there be a special lesson to exclude tum'ah from a limb of a non-kosher bird, when its body has no tum'ah? It must be that the tum'ah of eiver min hachai is a distinct and independent type of tum'ah, unrelated to whether the body of the animal has a status of neveilah.

Rambam (Hilchos Avos HaTum'ah 3:15) writes that the halacha for a kosher bird and a non-kosher bird is the same in that a limb which becomes severed while the animal is alive is tahor, and it has no tum'ah at all. This is indicated in the verses (Vayikra 11:24-26) which introduce the concept of tum'ah caused by contact with a neveilah, but which suggest that the laws of tum'ah of eiver min hachai and neveilah apply only to animals with split hooves, which excludes birds. Yet, we find a specific reference in the verse from where we learn that eiver min hachai does not apply to a non-kosher bird. The need for such a source, although we have already excluded birds from the tum'ah of neveilah, indicates that the tum'ah of eiver min hachai is a separate category of tum'ah, distinct and independent of the tum'ah of neveilah.

The Achronim add that the categorization of eiver min hachai as independent of the tum'ah of neveilah is only true regarding nonhuman animals. However, in regard to the limb of a man the source that a limb severed from a person's body has the tum'ah of the dead is learned in the Gemara (Nazir 53b) from a different verse. The verse (Bemidbar 19:26) discusses one who comes in contact with a body of a person who was slain (חלל) with a sword, or one who died, etc. The word "חלל" is expounded to refer to a limb which has become severed, which also possesses the tum'ah of the dead.

The ruling of Rambam (Hilchos Tum'as HaMeis 2:3) regarding a limb is that it is like dead flesh, whereas his wording regarding neveilah (Hilchos Avos HaTum'ah 1:1) suggest that the flesh of a neveilah is tamei, and bones and sinews of a limb are just more aspects of neveilah, but not that the tum'ah of eiver min hachai is a separate category in and of itself. ■

HALACHA Highlight

Burying an amputated limb

שמעתי שאבר מן החי מטמא

I heard that a limb from a living person conveys tum'ah

The Gemara discusses the issue of tum'ah as it relates to a limb that is removed from a living person. The Gemara teaches that even after the person dies flesh that was excised while he was still alive remains tahor and a limb that was removed is tamei as a limb from a living person and it does not transmit the tum'ah of a limb from a corpse. There was once a kohen who had his leg amputated in a manner in which the leg conveyed tum'ah of a limb taken from a living person. The kohen wanted to keep the limb so that people should more closely sympathize with his condition and have pity on him. He was uncertain whether as a kohen he is permitted to become tamei from a limb. Is the tum'ah of a limb taken from a living person the same as the tum'ah of a corpse? A second issue about which he was uncertain was whether there is an obligation to bury the limb which would obviously prevent him from keeping the limb in his house. Noda B'yehudah¹ wrote at length about these issues and his first conclusion was that a kohen may not become tamei even from his own limb even though it came from someone who is alive. He then mentioned without even elaborating on the topic that there is no obligation to bury a limb taken from a living person. The only reason people bury limbs removed from living people is that as mentioned they pose a tum'ah issue and burying the limb prevents kohanim from inadvertently becoming tmei'im.

REVIEW and Remember

1. What is Rava's principle concerning something that serves the function of wood rather than food?
2. What is the rationale behind R' Shimon's opinion in the Beraisa?
3. What is the point of dispute between R' Meir and R' Shimon?
4. What is the status of a bone the size of a barleycorn that was taken from a limb severed from a living person?

Teshuvos Shvus Yaakov² was also asked whether there is an obligation to bury a limb that was amputated and he approached the matter from the Gemara Sanhedrin (47b) that discussed the rationale behind the obligation to bury a corpse. The Gemara teaches that burial is a requirement to provide the deceased with atonement or to save the corpse from disgrace. Since neither of these reasons applies when discussing a limb taken from one who is alive there is no obligation to bury a limb removed from someone who is alive. Nevertheless, he writes that the custom is to bury such limbs because they transmit tum'ah and in order to prevent kohanim from inadvertently becoming tmei'im the limb is buried. ■

¹שו"ת נודע ביהודה מהדו"ת יו"ד סי' ר"ט.
²שו"ת שבות יעקב ח"ב סי' ק"א. ■

STORIES off the Daf

Fasting on Erev Pesach

"פסחא זעירא דלא למספד הא רבא למספד
 אלא כל דכן..."

Pesach is a very intense time for everyone. It is one of the highlights of the year, and we want to experience it to the hilt. A certain person wanted to fast before Pesach, but was unsure if this is permitted. "After all, I am not a bechor..."

When he asked the author of Chavalim B'Neimim, about this, he ruled that it is certainly permitted. "The Sha'ar HaMelech, zt"l, writes that from Chullin

129 we see that one should not fast on erev Pesach. Nevertheless, he wonders how this could be true since we find in Pesachim 108 that Rav Sheishes would fast every erev Pesach.

"I do not understand his question at all. Although it is forbidden to eulogize on erev Pesach—and fasting to pain oneself should also be forbidden—that is irrelevant to one who fasts to ensure that he eats matzah with a good appetite. We do not eulogize on erev Pesach since, as the day that the Jewish people brought the korban Pesach, it was a kind of Yom Tov.¹ It is clear from the Raavad brought in the Ran in Taanis 17 that if one fasts for a positive reason it is not forbidden."²

Rav Shlomo Zalman Auerbach, zt"l,

gives a similar reason for why the firstborn fast on erev Pesach. "The firstborn are obligated to fast since they were originally slated to bring the sacrifices. On this special day—which is a Yom Tov for all of the Jewish people—when we bring our korban Pesach, the firstborn must contemplate what they have lost. Such introspection is best facilitated through fasting."³ ■

¹מובא בתוס' פסחים, דף נ', ע"א
²ספר חבלים בנעימים, ח"א, סוגיא מ"ב, אות צ'
³הליכות שלמה, פסח ■

