

Today's Daf Digest is dedicated
לעילוי נשמת צבי בן יחזקאל יוסף גרין, מחסידי דעעש
From the Grin family, Sao Paulo, Brazil

OVERVIEW of the Daf

1) An incomplete ant (cont.)

R' Yehudah of Diskarta attempts to resolve the question of whether one is liable for eating an incomplete ant.

2) Spinal column and skull

The Gemara inquires whether the spinal column and skull transmit tumah together or whether either one alone transmits tumah.

Rava attempts to prove from a Baraisa that either one transmits tumah.

This proof is rejected.

Three more unsuccessful attempts are made to resolve this matter.

Concerning the last attempted proof, the one which involved a Baraisa that states that R' Akiva and Chachamim disagreed about six matters related to tumah, the Gemara presents numerous explanations why six explanations are presented rather than seven.

Another attempt is made to demonstrate that the spinal column and skull transmit tumah independently.

This proof is rejected and the Gemara turns around and asserts that this case should be a proof that the spinal column and skull only transmit tumah together.

This proof is also rejected.

3) A quarter-kav of bone from the spinal column or skull

Rami bar Chama inquires whether a quarter-kav of bone from the spinal column or skull transmit forces the nazir to shave his head even though it is normally a half-kav of bone that requires a nazir to shave his head.

Rava cites a Mishnah to resolve this inquiry. ■

REVIEW and Remember

1. How much of a שרץ must a person touch to be tamei?
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2. What are the six cases disputed by R' Akiva and Chachamim?
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3. Why did R' Shimon's teeth turn black?
.....
4. How does R' Yehoshua explain the opinions of Beis Shammai and Beis Hillel so that they do not disagree?
.....

Distinctive INSIGHT

The conclusion of the inquiry of Rava regarding the ant

אבל נפלה בה נשמה לא, תיבעי לך

The Gemara had brought a proof of Rav Yehuda from Diskarta to show that a בריה—a full creature—which is smaller than the size of a lentil (עדשה) does not transmit tumah unless it is complete. Therefore, the ant without legs, which can still live, is not a source of tumah of שרץ. Nevertheless, the Gemara brings Rav Shmaya who posits that perhaps a creature which is alive even when it is smaller than the size of a lentil is different than the חומט of the Torah, which only possesses vitality when it is the size of a lentil or larger. Accordingly, as the מפרש understands (end of ד"ה אמר ר' שמעיה), the Gemara leaves the inquiry of Rava unresolved.

Rambam writes (Ma'achalos Asuros 2:22): "Eating an ant which has lost its legs is punishable with lashes only when one eats the volume of a כזית." Magid Mishnah explains that because the Gemara leaves this issue unresolved, we may not administer lashes for eating a small amount of this ant, even if the ant could have lived without its legs. Due to a doubt of whether this is considered a בריה or not, Beis din cannot act. The Nesivos Kodesh contends that Rambam understands that the Gemara concludes that the contention of Rav Shmaya is not only tentative, but it should be interpreted as a refutation of the Gemara's attempted proof to Rava's inquiry, and that the Gemara conclusively is stating that an ant without its legs is certainly not a בריה.

The Tur and the Shulchan Aruch (Yoreh Deah 100:1) write that in order for a creature to be considered to be a בריה, it must be completely intact, and even if it is missing one limb, even if the life of the creature is not threatened with this loss, it no longer has the status of being a בריה, and its small size leaves this creature insignificant. The commentators to Shulchan Aruch note that this issue is precisely the inquiry of Rava, and if it was left unresolved, there is still a possibility that an ant without its legs is, in fact, a בריה due to its ability to still live. Yet, the fact that a small בריה has any significance is only due to Rabbinic rulings (see Ramban, Rashba and Ritva to Chullin 99b), we can rely upon the uncertain outcome of the Gemara and deal with this issue leniently. ■

HALACHAH Highlight

Bringing the body of the deceased into the Beis Hamidrash

ומעשה שהביאו קופה מלאה עצמות לבהכ"נ של טרסיים
 And it happened once that they brought a box full of bones into the Beis Haknesses of the coppersmiths

Chochmas Adam¹ writes that it is permitted to bring the body of an outstanding Torah scholar and leader into the Beis Hamidrash where he used to teach Torah for the purpose of eulogizing him. He adds, however, that this halacha was employed to honor the Vilna Gaon (who was famous throughout the world as a gaon and chossid and a unique figure of the generation). Later, he was disturbed by the fact that these people later applied it as a means to give honor to others who were not deserving. He writes that in order to assure that this halacha does not continue to be misapplied it is appropriate to cease the practice of bringing bodies into a Beis Haknesses or Beis Hamidrash. Maharam Shick² explains that even Chochmas Adam agrees that it is appropriate to bring the body of an outstanding gadol of the generation into the Beis Hamidrash and he was merely warning against misapplying this halacha. Teshuvos Divrei Malkiel³ echoes the same sentiment when he writes that in his times it became customary to

bring even average people into the Beis Hamidrash and he ruled that the practice is not consistent with halachic principles.

Teshuvos Chaim B'yad⁴ testifies that the custom in the city of Izmir was that they would bring the body of a rabbi who taught Torah to the community into the Beis Hamidrash on the way to the cemetery. Once in the Beis Hamidrash, the body was placed on a bench in front of the heichal and the deceased rabbi's assistant would eulogize the deceased from the place where the deceased would speak to the community. Teshuvos M'lamed L'hoil⁵ was asked, following the death of Rav Azriel Hildesheimer, whether it is appropriate to bring his body into the Beis Hamidrash for the purpose of eulogizing him there. He responded by citing the comment of Chochmas Adam and the explanation of Maharam Shick and proceeded to write that Rav Azriel Hildesheimer was also well known as a man of stature. His piety, sanctity, chessed, breadth and depth of knowledge certainly made him worthy of being brought into the Beis Hamidrash for the purpose of eulogizing him. ■

1. חכמת אדם כלל קנייה סעי' י"ח.
2. שו"ת מהר"ם שיק יו"ד סי' שמ"ה.
3. שו"ת דברי מלכיאל ח"ב סי' צ"ג.
4. שו"ת חיים ביד סי' ק"ה.
5. שו"ת מלמד להועיל ח"ב יו"ד סי' ק"ו. ■

STORIES Off the Daf

The State of Beriah

"אבל נפלו בה נשמה לא תיביעי לך"
 Avoiding the prohibition of eating bugs discussed in the beginning of today's daf has unfortunately, always been a problem for many uneducated Jews. The Ben Ish Chai, zt"l, tells of a sage who saw a woman perfunctorily checking a vast quantity of lettuce for the use of her large extended family at the Seder. The chacham said, "Your family will transgress more prohibitions than the number of hairs on your head!"

"What should I do?" asked the

distraught woman.

"Check carefully a minimum shiur for each member of your family."

Many great luminaries have tried to find a way out of this serious prohibition. For example, Tosafos explains at the beginning of today's daf that one who ingests an ant, even if it is missing some body part not essential to life, indeed violates the prohibition of eating a beriah. This is the halacha. If a beriah is missing something essential to life, it is permitted. If not, it is prohibited.

The Masas Moshe, zt"l, records that once a group of talmidei chachamim were sitting together discussing just this topic. One scholar thought of a possible way out of this problem.

"Since people chew their food thoroughly, even if there is a beriah, it is destroyed before it is swallowed.. So perhaps most normal people rarely violate this prohibition even if they don't check before they eat. If this reasoning is true, one doesn't even transgress Rabinically, since the creature tastes bad and is therefore halachically batel b'rov."

But the Erech Hachulchan (HaSefaradi) zt"l, rejects this premise. "It comes out of the Ravad and the Ran that the deciding factor in beriah is its state when it entered one's mouth. If it was complete then, one violates the prohibition no matter what happens later!" ■

