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The Chicago Center

OVERVIEW of the Daf

1) Limbs that do not have sufficient flesh to regenerate (cont.)

Reish Lakish concludes his proof that the Mishnah refers to where there is no bone the size of a barley kernel.

R' Yochanan explains how the Baraisa cited by Reish Lakish could be explained in a way that is consistent with his position.

2) Restarting nezirus following a period of tumah

The Gemara inquires whether a nazir restarts his nezirus on the seventh day of purification, consistent with R' Eliezer, or perhaps he restarts counting on the eighth day, following the position of Rabanan.

It is demonstrated from the end of the Mishnah that the nazir does not restart his nezirus until the eighth day.

3) MISHNAH: The Mishnah lists different sources of tumah that although they make the nazir tamei, they do not require him to shave his head.

4) Clarifying the Mishnah

The Gemara defines the terms סככות and פרעות.

5) The tumah of other lands

The Gemara inquires whether it is the air of other lands that transmit tumah or whether it is the land that transmits the tumah.

The Mishnah is cited to demonstrate that it is the land itself that transmits tumah.

The proof is rejected and another part of the Mishnah is cited as evidence that the proof should be rejected. ■

REVIEW and Remember

1. Explain the principle טומאה בוקעת ועולה.
2. How does the Gemara prove that the Mishnah follows Rabanan rather than R' Eliezer?
3. What are סככות and פרעות?
4. Is sprinkling with פרה אדומה ashes needed for tumah of the land of the nations?

Today's Daf Digest is dedicated by Mr. and Mrs. David Segall
In honor of their anniversary and
for the yaharzeit of his father
ר' ישראל בן ר' שמואל הלוי ע״ה

Distinctive INSIGHT

Why is the case of טומאה רצוצה mentioned here?
דאמר מר טומאה בוקעת ועולה ויורדת

A Baraisa cited at the end of the previous daf which analyzed the various elements of tumah found in the verse in Parashas Chukas (Bamidbar 19:16). At one point, as the Baraisa analyzes the phrase "או בקבר," and teaches the halacha of קבר סתום, which is where the coffin has a space of a tefach between the corpse and the top of the box. Here, the tumah has no way to exit the container, and the halacha is that anyone who either touches or covers over (מאהיל) the coffin is tamei, even if the interaction is over a part of the coffin beyond the precise location of the corpse. Our daf begins with a follow-up of the Baraisa, and it quotes the Mishnah (Oholos 6:1) that states that tumah pierces up to the sky and down to the depths. Tosafos (ד״ה דאמר) writes that this addendum is not an illustration of the halacha which was just taught in the Bersaisa, as the halacha of tumah piercing up to the sky is said in reference to a case of "solid," or uninterrupted tumah (טומאה רצוצה), and not in our case where there is a tefach of empty space above the body. Furthermore, the tumah in our Baraisa (קבר סתום) transmits tumah even beyond the area above the corpse itself, whereas טומאה רצוצה pierces to the sky only above the body itself, and not beyond. Tosafos dismisses the Gemara's bringing an irrelevant reference at this point as being "בכדי– for no reason."

Chazon Ish (E.H. 143:15) writes that it seems from Tosafos that the Gemara is bringing a halacha into the discussion that is not relevant to our discussion in any way. He writes that this is difficult to say, and, in fact, if this was the case, Tosafos should have noted this as a problem and questioned why the Gemara is bringing an unassociated topic into the discussion. Fruthermore, the Gemara normally refers to this type of its tumah by its name– טומאה רצוצה, and here, the Gemara leaves it unmentioned by name, only describing it as בוקעת ועולה.

Rather, explains Chazon Ish, the Gemara is referring to the case of טומאה רצוצה of Oholos (7:1): "If tumah is in a wall, in an area of one tefach by one tefach with a height of one tefach, all stories above it are tamei. If a second wall was built less than a tefach away from the house wall, and there was impurity between them, it is considered confined, and the tumah breaks through and ascends and descends. A solid gravestone–whoever touches it from the

(Continued on page 2)

HALACHAH Highlight

What is included in the category of "garments?"
ואומר רבינו תם דתכשיטי כלי מתכות שפיר מיקרו בגדים וכו' (תוספות בא"ד ת"ש)

And Rabbeinu Tam said that adornments made of metal are, in fact, referred to as garments ... (Tosafos)

There was once a woman who, in the midst of a difficult time of her life, made a vow that she would not wear the garments she would normally wear on Yom Tov. Teshuvas Shvus Yaakov[1] ruled that although she only mentioned garments, nonetheless, her vow included even the ring that she would normally wear for Yom Tov. The basis of his ruling was a Mishnah in Negaim (13:9) that includes jewelry in a list of a person's garments. Rav Yosef Engel[2] rejected this conclusion for the simple reason that the parameters of a vow are determined by the way people use their words and people do not include jewelry when they mention clothing.

Shearim Mitzuyanim B'halachah[3] cites the comment of Rabbeinu Tam in our Tosafos[4] as proof to the assertion of Shvus Yaakov. Rabbeinu Tam states that metal garments are categorized as garments and cites as proof the tzitz worn by the Kohen Gadol. The tzitz was a gold headband worn on the forehead of the Kohen Gadol and the Torah refers to it as a garment. He proceeds, however, to cite a comment of Rashba[5] that supports the position of Rav Yosef Engel. Rashba writes that although the Torah categorizes the tzitz as a garment, nonetheless, if a person instructed that all his "garments" should be given to Ploni, his tzitz would not be included in that gift since people do not consider a tzitz to be a garment.

In a similar type of question, Teshuvas Kochav MiYakov[6] was asked whether a person's tefillin are categorized as one of his garments. A man wrote in his will that he wanted all his garments to be given to a particular son and an argument arose whether the father's tefillin were included in that gift. Teshuvas Kochav Miyaakov cited our Tosafos and reasoned that if metal jewelry is considered a garment certainly tefillin should also be considered a garment, therefore, the son who received his father's clothing also has the right to his father's tefillin. ■

1. שו"ת שבות יעקב ח"א סי' כ"ד.
2. גליון הש"ס ברכות מא.
3. שערים מצויינים בהלכה סי' ס"ז סק"ו.
4. תוס' נ"ד : ד"ה ת"ש.
5. שו"ת הרשב"א ח"ב סי' קפ"ג.
6. שו"ת כוכב מיעקב ח"א סי' כ"ט. ■

(Insight. Continued from page 1)

side is pure, because the impurity breaks through and ascends, breaks through and descends. If the site of the impurity was a cubic tefach, it is like a sealed grave, etc."

The relevance of this Mishnah to our Baraisa is, therefore, that it is clearly an illustration of the case of קבר סתום, which is the last halacha of the Mishnah. Tosafos therefore notes that it seems that it was unnecessary to have been cited the beginning of the Mishnah (in Oholos). ■

STORIES Off the Daf

The Unearthed Tombstone
"...ובית הפרס"

Today's daf discusses different circumstances that render ritual impurity. One of these is when a grave is lost or plowed over.

A certain kohen went to visit a non-Jew in his courtyard and noticed a half-buried stone tablet jutting out from the ground. Curious, the kohen drew closer and saw that it resembled a headstone so he turned it over. To his horror he read, "Here is interred a kosher Jew, R' Zecharia son of R' Yedidiah, who died on Erev Yom Kippur." The date on the tablet was well over 400 years before.

When the kohen questioned the non-Jewish owner of the property, the man said, "I heard from my fathers that there was always a Jewish cemetery throughout this whole vicinity."

The kohen believed the non-Jew, since why should he lie? The kohen approached his Rav and asked if he need move away from his neighborhood. His Rav didn't know, so he decided to consult with the Chasam Sofer, zt"l.

After outlining the kohen's tale the Rav added, "Jews were banished from our area for the last hundred years and are just resettling. Perhaps that shows the non-Jew is wrong, since he claims there was a big cemetery and Jews have not even been here at all for the past century."

The Chasam Sofer replied, "The fact that there were no Jews there for such a long time doesn't show anything regarding the non-Jew's testimony, since there were many big communities in these areas further back in time.

"For example, the Terumas Hadeshen was Rav in Neustadt near Vienna. The Mahari Brunah was also Rav in a huge Jewish city. The Jews were exiled from both lands. Perhaps the same occurred in your area. However, the non-Jew's words are irrelevant since there is a chezkas heter and we don't believe one witness' testimony to remove it.

He concluded, "In this case, there are two possible reasons to be lenient: Perhaps the bodies were removed. Perhaps they are completely decomposed. Although neither is sufficient by itself, one can rely on both. If, however, the kohen wishes to be strict and refrain from entering the courtyard with the headstone in it, he will be visited with blessing!" ■

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