

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) A quarter-kav of bone from the spinal column or skull (cont.)

The Gemara challenges Rava's attempt to resolve Rami bar Chama's inquiry related to whether contact with a quarter-kav of bone from the spinal column or skull 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 from another statement of Rava.

The challenge to Rava is resolved.

Another attempt is made to demonstrate that even a quarter-kav from the spinal column or skull forces the nazir to shave his head.

Upon rejecting this proof the Gemara suggests that perhaps the Beraisa is a proof that a half-kav of bone from the spinal column or skull forces the nazir to shave his head.

This suggestion is also rejected.

A Beraisa is cited that records a dispute regarding the quantity of bone and blood that makes a person tamei.

The Gemara clarifies the rationale behind the ruling in the Beraisa.

2) Clarifying the Mishnah

The Gemara identifies what is excluded from the phrase על אלו in the first part of the Mishnah and what is excluded from the phrase על אלו from the latter part of the Mishnah.

The Gemara explains that when the Mishnah teaches that a half-kav of bone forces the nazir to shave his head it refers to where the bones were ground up like flour.

3) Limbs that do not have sufficient flesh to regenerate

R' Yochanan maintains that a nazir does not shave his head for carrying a limb that does not have sufficient flesh to regenerate whereas Reish Lakish maintains that the nazir is required to shave his head in this case.

The proof that each opinion infers from the Mishnah is presented.

The reason R' Yochanan rejects Reish Lakish's argument is that he maintains that something that is implied in the first part of the Mishnah will not be stated explicitly in the latter part of the Mishnah.

Two unsuccessful challenges to this assertion are presented.

Reish Lakish asserts that the case of the Mishnah of a limb from a corpse refers to where there is no bone the size of a barley kernel.

He begins to formulate a proof that his understanding of the case is accurate. ■

Distinctive INSIGHT

The third opinion which resolves the issue

אמר ר' יעקב בר אידי מפי שמועה אמרו

There are varying standards of volume as sources of tumah regarding different halachos. The Mishnah in Oholos (2:1-2) teaches that one-quarter of a kav of bones and one-quarter of a log of blood can already impart tumah to teruma and kodshim. Our Mishnah deals with the halachos of nazir, and it establishes the standard for tumah to be half a kav of bones and half a log of blood. The Gemara then reports that the standard for tumah for someone who is going to bring a Pesach offering is the same as we find in reference to nazir. Finally, the Gemara comes to its conclusion. Rabbi Eliezer reports that some opinions hold that the amount necessary for tumah in all cases is one-quarter kav and one-quarter log, while others rule that the universal volume for tumah is one-half of a kav and one-half of a log. This dispute was resolved by a later *bais din* which ruled in accordance with our Mishnah. Although the Gemara is bothered by the fact that a "later *bais din*" resolved this matter, Rav Yaakov bar Idi explains that it was "מפי השמועה—from an established tradition." The Gemara does not define the authenticity or the identity of this line of tradition, but the *מפרש* notes that the Gemara means to convey the message that this is an ancient and honored opinion which must be accepted.

The Tiferes Tzion writes that there was some dispute among the elders as to what was precisely the halacha taught by Chaggai, Zecharya and Malachai. Rav Yaakov is reporting that the elders were not simply conveying their own personal opinions in this matter, but, although there was some lack of clarity in the matter, they were rather transmitting a message directly from the prophets. Therefore, the later *bais din* could not act as a balance and deciding element between these ancient opinions. The role of the later authorities was only to acknowledge that both opinions regarding the measurements were valid—אלו ואלו דברי אלקים חיים—■

HALACHAH Highlight

Burying a heart

ועל אבר מן החי שיש עליהן בשר כראוי

And for a limb from a living person that has on it sufficient flesh

There was once a person who received a heart transplant and eight years later he required another heart transplant. This caused the patient to consider whether there will be an obligation to bury the first heart. The first heart he received came from a non-Jew which may mean that it is unnecessary to bury it, but on the other hand, since it was transplanted into the body of the Jew and had remained there for a number of years one could argue that it should be considered the heart of a Jew and may thus require burial.

This inquiry was presented to Rav Shmuel Halevi Wosner¹, the Shevet Halevi, for consideration. Shevet Halevi responded that there is no requirement to bury the heart. The reason is that a limb taken from a person who is alive is buried not because there is an actual requirement to bury the limb; rather it is done because limbs taken from living people transmit tumah and they are buried to protect kohanim from inadvertently coming in contact with tumah. This raises the question of which limbs have the capacity to transmit tumah and since, based on our Gemara, it is clear that only limbs with bones and flesh are considered limbs that can transmit tumah, there should be no requirement to

REVIEW and Remember

1. What was the original dispute concerning the quantity of bone and blood needed to transmit tumah?
2. What do the two phrases of the Mishna על אלו teach?
3. What is the point of dispute between R' Yochanan and Reish Lakish?
4. Explain חרב הרי זה כחלל.

bury this heart. Since Pischei Teshuvah² writes that burying limbs is not an obligation, as mentioned above, even if the heart originated from a Jew, there would not be an obligation to bury the heart. Therefore, although the general practice is to bury limbs taken from living people for segulah and other reasons, nevertheless, this custom applies only for limbs that came from Jews but limbs that come from non-Jews are not subject to this custom. Even though the heart was transplanted into a Jew, once the body rejected the heart it reverts back to its status of being an organ that came from a non-Jew and there is neither requirement nor custom to bury it. ■

1. שו"ת שבט הלוי ח"י סי' ר"ט.

2. פתחי תשובה יו"ד סי' שס"ב סק"א. ■

STORIES Off the Daf

The Third Opinion

"אין הכרעת שלישית מכרעת..."

Once there were two business partners who had a dispute regarding their joint property. Each one claimed that most of the property was his own. Each had compelling reasons to support his claim and they could not resolve the situation on their own, so they decided to appoint mediators to help them come to a fair settlement. Each partner appointed a judge to work out a compromise between them. It was agreed that if no compromise was reached, a third judge would be machriyah, or

settle the issue.

The two judges did not reach a resolution, since each one demanded an irreconcilable percentage of the equity for his client. The third judge didn't agree with either of his colleagues but divided up the property by simply splitting the two demands down the middle.

One of the partners asked the famous Mahari ben Lev, ז"ל, "Why do I have to comply with this? The word machriyah means to be the decisive voice to make up a majority. Instead of one against one, it becomes two against one if he agrees with one of the other judges. In our case, why is the third judge any better than the other two? He is just a single opinion, just like each of

the first two!"

The Mahari ben Lev replied, "The Gemara states in Nazir 53 that we don't hold like a third mediating opinion. The Rishonim argue why this is so. Although some Rishonim hold it is because the mediating opinion doesn't agree with either opinion, others hold that the Gemara is discussing a special case such as the third generation of students. According to this view, in any other situation we would indeed hold like the third opinion... But this has no relevance to our case since, in documents as with Nedarim, we follow the common usage of legal terms. Since most people understand hachra'ah to include a mediating opinion, the third judge's decision stands!" ■