



OVERVIEW of the Daf

1) Clarifying the dispute between R' Akiva and R' Yishmael (cont.)

The Gemara continues to clarify the point of dispute between R' Akiva and R' Yishmael in the previously-cited Baraisa.

R' Yishmael's position is unsuccessfully challenged.

The reason R' Akiva does not accept the kal v'chomer is explained.

2) דבר שיש בו דעת לישראל

R' Gidal in the name of Rav offers another source for the distinction between something that could be questioned and something that cannot be questioned.

The Gemara explains why two sources (Sotah and R' Gidal's source) are necessary to teach this halacha.

3) Shlishi teruma

The Gemara wonders why R' Yochanan ben Zakkai considered terumah tamei at a shlishi if he did not have a Biblical source that teaches this principle.

R' Yehudah in the name of Rav explains that he arrived at this conclusion based on the logic of a kal v'chomer.

The logic of the kalv'chomer is challenged and the Gemara is forced to say that it is a צד השוה that teaches this principle.

The reason R' Yichanan ben Zakkai was concerned that future generations would reject this kalv'chomer is explained.

4) Revi'i kodshim

A Baraisa presents the source that teaches that kodshim can reach the level of rev'i.

R' Yochanan challenges R' Yosi's logic in the Baraisa and cites a Baraisa that demonstrates that food touched by a tevil

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Distinctive INSIGHT

The source that a second degree tumah can cause a third degree tumah for teruma

מן התורה אין לו, מדין קל וחומר יש לו

The conclusion of the Gemara is that a second level of tumah, which is the extent to which חולין can be defiled, can affect a third level tumah, which affects teruma. This is determined from a צד השוה, where a common reference between a טבול יום and an earthenware jug (כלי חרס) indicates that just as these two categories which, when טמא, are permitted to come in contact with חולין, yet their contact with teruma results in its being ruined (פסול), so too is the law regarding a loaf which is a second degree tumah.

Rambam (Avos Hatum'os 11:3) writes that the source from where we learn that a third level of tumah is פסול in the case of teruma is the verse which describes the restrictions placed upon a טבול יום, one who has immersed in a mikveh on his seventh day of tumah. The verse states (Vayikra 22:7): "The sun will set, and he will be pure, afterwards he will eat from the holy (teruma)." We see that a טבול יום, who is categorized as a second degree tamei, cannot eat teruma until he is purified. The Torah hereby teaches that a second degree tumah which comes into contact with teruma causes it to become defiled.

Sefer Keren Orah notes that Rambam does not cite the proof quoted in our Gemara, that the law of a third level of tumah regarding teruma is derived from a cross-reference between טבול יום and כלי חרס. He explains that while it is true that the source brought by Rambam is, in fact, the source as it is cited in the Yerushalmi (Sotah 5:2), we still have to understand why Rambam dismisses the proof of the Bavli, and prefers to quote the proof as it appears in the Yerushalmi.

Aruch Hashulchan (Taharos 2, 143:10) explains that the ruling and the explanation of Rambam in this halacha is consistent with his opinion that there is no third degree or fourth degree tumah in the Torah. Any instances of third or fourth level tumah in Seder Taharos are only rabbinic. Accordingly, our sugya, where we find that liquids can transmit tumah to other liquids, is only according to the opinion of Rabbi Akiva and Rabbi Yosef, and it is only according to them that a קל וחומר can be offered. Rambam holds that no קל וחומר can be argued, as he holds that liquids cannot transmit tumah to other liquids from a Torah perspective, but only from a rabbinic stance. This is why Rambam can only bring the law of a third level tumah regarding teruma based upon the law of a טבול יום. ■

REVIEW and Remember

1. Why are two sources necessary to teach that there is a difference between something that could be asked and something that cannot be asked regarding matters of tumah?

2. What is the source that terumah can reach a shlishi level of tumah?

3. How does R' Yosi demonstrate that kodshim can reach a rev'i level of tumah?

4. What degree of tumah does a tevil yom impart?

HALACHAH Highlight

Matters of doubt

ודאי טמא הוא דלא יאכל הא ספק טמא וספק טהור יאכל

Something that is certainly tamei one may not eat but something that may be tamei and may be tahor one is permitted to eat

Rambam¹ writes that Biblically one is not required to be strict in cases of doubtful prohibitions or doubtful tumah; the requirement to be strict in these cases is only Rabbinic. Rashba² challenges this position from the Gemara in Chullin (11a) that derives from Korban Pesach that halacha follows the majority. One of the mortal wounds that render an animal a treifah is if the membrane around the brain is pierced. Since it is prohibited to break any of the bones of the Korban Pesach, it is impossible to examine the korban to assure that the membrane around the brain is not pierced. The reason it is permitted, concludes the Gemara, is that we follow the majority of animals that do not have this condition. According to Rambam, however, there is no reason for the Gemara to draw this conclusion since it could be based on the fact that Biblically one is not required to be strict in matters of doubt. Therefore, Rashba disagrees with Rambam and holds that Biblically one is required to be strict in matters of doubt that relate to Biblical prohibitions.

Chavos Daas³ explained that Rambam inferred from Rav's teaching in our Gemara that Biblical prohibitions apply only

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yom does not become a revi'i.

R' Pappa challenges a premise that was part of the foundation of R' Yochanan's argument.

R' Yochanan begins to defend his position. ■

when there is a certain prohibition but not when the prohibition is only doubtful. This principle that the Torah addresses only matters of certainty applies not only to Biblical prohibitions but it can also be applied to positive mitzvos as well. For example, when the Torah instructs a person to take an esrog on the first day of Sukkos, the Torah means that one is obligated to take something that is certainly an esrog and there is no mitzvah to take something that is only possibly an esrog. Therefore, when the Torah commands that a korban should be complete (תמים) and without blemish, it means that we must be certain that the animal does not have a blemish. If there is uncertainty about the completeness of the animal it is not fit for use. Therefore, the Gemara does not say that a Korban Pesach is acceptable without examining the membrane around the brain simply because one is permitted to be lenient regarding matters of doubt because if there was a doubt the animal would not be usable for the korban. In order to be able to say with certainty that the animal does not have this mortal wound it is necessary to invoke the principle of majority. ■

1. רמב"ם פ"ט מהל' טומאה הי"ב
2. תורת הבית בית ב' שער א
3. חוות דעת סי' ק"י בבית הבפק ■

STORIES Off the Daf

The danger of philosophizing

מילתא דאתיא בקל וחומר טרח וכתב לה קרא

The Bnei Yissaschar taught, "On So-tah 29 we find that the Torah goes out of its way to write what can be derived from a kal v'chomer. One may well ask why the does the Torah only write what can be derived from a kal v'chomer? Why doesn't it write regarding the rest of the thirteen ways to interpret the Torah? The reason is to teach us that even that which we can learn from our understanding like a kal v'chomer is still completely above our understanding. We learn the Torah with the thirteen middos because this is Hashem's will. Not because Hashem wants us to philosophize about the Torah.

He delivered a parable to illustrate this idea. "Once there was a hungry man who was abandoned in a lonely field, far from any town or village. There was absolutely no food except for a nearby field of wheat. This man was no fool, however. The moment he thought about his situation he realized that if he didn't find some way to make the sheaves into bread, he would starve to death. He immediately got to work. First he cut the stalks down. Then he gathered them together. He subsequently threshed the grain out of the chaff and selected the good grains. He then ground them up, sifted them, added what liquid he could find, kneaded the dough, and baked it over a fire he built of found twigs and branches. After all this effort, he had a good meal of bread and felt very thankful for this little bit of food. He then sat down to plan his next step.

He continued, "There was also a

'philosopher' who was in the same position. Not interested in doing the hard work necessary to get bread out of the grains, he indulged in pondering abstractions: Why didn't the Creator make ready-made cakes of loaves of bread? Why does this process have to be so labor intensive? By the time this man was truly hungry, he hardly had energy for the work of getting bread out of the wheat. Worse, if he fails to move quickly, he might even die since raw wheat is not edible in its natural state.

The Bnei Yissaschar concluded, "The same is true regarding Torah and mitzvos. They are beyond our ability to grasp, much as we don't really understand why things were not created differently. Philosophizing will get us nowhere. It is to save us from this mistake that the Torah

writes what could be learned from a kal v'chomer!" ■