

16.7.5

52a (השדרה) → 53a (אבן הסכוסית)

I וְעַל כָּל נִפְשֹׁת מוֹת לֹא יָבֵא לְאָבִיו וְלֹאמוּ לֹא יִטְמָא: וְיִקְרָא פֶּרֶק כֹּא פְסוּק יֵא

- II Analysis of משנה – שדרה (spinal column) and גולגולת (skull) as sources of actionable מת טומאת for a נזיר
- a Question: is משנה read "spinal column *and* skull" or "spinal column *or* skull"?
- i Attempted answer #1 (רבא): ruling that a שדרה that had most of its vertebrae removed is טהורה
- 1 Implication: if they were there, טמאה – even without skull → read "or"
 - 2 Rejection: implication not necessary; only pointing out that שדרה itself isn't מטמא without most vertebrae
- ii Attempted answer #2: יהודה ר' testimony about תודוס the doctor who declared a נזיר undefiled because the box of bones he had come into contact with didn't include a שדרה from a single cadaver
- 1 Implication: if it was a full שדרה of one מת –טמא → read "or"
 - 2 Rejection: no need for implication; perhaps the doctor was reporting that we don't even have a single שדרה
- iii Attempted answer #3: from 6 disputes of ר"ע/חכמים which ר"ע later acceded to be טהור
- 1 אבר מן המת from two cadavers
 - 2 אבר מן החי from two bodies
 - 3 1/2 קב of bones from two bodies
 - 4 1/4 דם from two bodies
 - 5 barley-kernel size of bone that is split
 - 6 (וגולגולת) שדרה
 - 7 (וגולגולת)
- (a) evidently: read "*and*" – since there are only 6 disputes
 - (b) rejection #1: only count disputes between ר"ע/חכמים; dispute #5 is between בן נזיר
 - (c) rejection #2: #2 doesn't belong on the list
 - (d) rejection #3: only items for which a נזיר is violated via אהל (not #5)
 - (e) rejection #4: only those which ר"ע recanted – not #4 (as per v. 1)
- iv Analysis re: minimal amount of bone generating טומאה (note: 1/4 קב of bone generates טומאה but doesn't cancel נזירות)
- 1 ב"ש – the 1/4 of bones must come from 2 or 3 bones (not from a single bone)
 - 2 ב"ה – the 1/4 of bones must come from a majority of the trunk or amount of limbs
- (a) ר' יהושע – could unify the statements – the 2/3 of ב"ש mean 2 thighs and a calf or vice-versa – רוב בנין
 - 3 שמאי – even a bone from the skull or spinal column
- (a) proof: read "or"
 - (b) rejection: שמאי is overly stringent (doesn't reflect the norms of the משנה)
 - (c) implication: רבנן who disagree with שמאי require both
 - (d) rejection: their only disagreement is about a single bone; if the entire skull is there, perhaps it is מטמא
- v question (רמי בר חמא): if we have 1/4 קב of bone from שדרה וגולגולת, is that more severe, interrupting נזירות?
- 1 רבא: our משנה lists שדרה וגולגולת without identifying smaller שיעור
- (a) Challenge: רבא himself interpreted שדרה וגולגולת as case where it had "less than 1/4"
 - (b) Answer: after he heard ר"ע's presentation (above), he modified his understanding of the משנה
- 2 Attempted answer: from שמאי (above) and implication of רבנן's position – rejected as above ([iv] [3])
- vi ר"א's report of the evolution of the ruling:
- 1 originally: 1/2 bones and 1/2 דם are מטמא for all
- (a) but: some – 1/4 bones and 1/4 דם are מטמא for all; others – only for some (תרומה/קדשים, not נזיר/פסח)
 - 2 later ז"ד: 1/2 קב and 1/2 דם for all; 1/4 קב and 1/4 דם only for תרומה/קדשים, not for פסח עושה פסח
 - 3 challenge: this is not a resolution, per se
 - 4 answer: ר"א had a tradition going back to חגי זכריה ומלאכי that that was the הלכה
- III Analysis of exclusive wording of משנה – "על אלו" in both introductory line and conclusion
- a Introductory line – excludes אהל over כשעורה עצם
- b Conclusion – excludes אבן מסמא (a rock over a מת sitting in the public domain) – if a נזיר sits on it, he is טמא but it doesn't violate his נזירות