

39.1.2

3b (עלה נדף) → 4b (איתמר קופה)

1. והנשארים בכם והבאתי מרדף בלבבם בארצת איביהם ורדף אתם קול עליה נדף ונסו מנסת חרב ונפלו ואין רדף: ויקרא בו, לו

- I Dispute יוחנן re: status of טהרות taken out of box when שרץ is found there afterwards
- a טהרות: חזקיה
 - b טמאות: ד' יוחנן
 - i Challenge (to חזקיה): in ברייתא (above), והלל שמאי agreed that they are טמאות
 - ii Resolution #1: והלל שמאי were referencing a box with a bottom; this dispute about a box with no bottom (i.e. a frame)
 - 1 Question: if so, what is ר"י's reason? (i.e. the שרץ would have surely come out - must have crawled in afterwards)
 - 2 Answer: it is a box with no bottom but has a rim (that curves in; may have trapped the שרץ)
 - (a) Support: ברייתא – if someone scoops 10 pails of water and finds a שרץ in one – only that one is טמא
 - (i) ר' ינאי only if it has no rim; if it has a rim, they are all טמאים (concerned that שרץ was in there all the time)
 - (b) Question: does חזקיה reject this caveat of ינאי?
 - (i) Answer: not necessarily; water are smooth and flow out, unlike fruit (→ if fruit came out, so would שרץ)
 1. Alternatively: he isn't careful about water, but will keep his eye on פירות
 - iii Resolution #2: והלל שמאי were referencing a box that hadn't been checked; ר"י וחזקיה disagreed about a בדיקה קופה בדוקה
 - 1 חזקיה: since it was checked, no concern that שרץ was there when fruit were still there
 - 2 יוחנן: concern that perhaps the שרץ fell just after he finished בדיקה
 - (a) Challenge: והלל שמאי's case was invoked in the context of אשה – who is considered בדוקה
 - (b) Answer: since she regularly sees דם, considered בדוקה
 - iv Resolution #3: והלל שמאי were referencing a box that was uncovered; ר"י וחזקיה disagreed about a מכוסה קופה מכוסה
 - 1 Challenge: if it was covered, how did the שרץ get in?
 - 2 Answer: if it is a box that is used by opening and closing (fell in when opened)
 - (a) Challenge: והלל שמאי's case was invoked in the context of אשה – who is considered מכוסה
 - (b) Answer: since she regularly sees דם, considered מכוסה
 - v Resolution #4: והלל שמאי were referencing the corner of the box; ר"י וחזקיה disagreed he corner of the room
 - 1 Challenge: they referred to a קופה (not "room")
 - 2 Explanation: their dispute was about a box where טהרות were stored in one corner of the room and it was moved to another corner and a שרץ was found (in the box) in that other corner
 - (a) חזקיה: we do not presume טמאה found in one place to be in another
 - (b) ד' יוחנן: we do presume טמאה found in one place to be in another
 - (i) Challenge: טהרות ה:ו: – if he touched someone at night and didn't know if he was alive or dead, and in the morning found him to be dead – מטוהר ר"מ is טמא – all טמאות are per מציאתו
 1. And: we add – per the time of finding them and in the place they were found
 2. Proposed answer: perhaps we are only תולה (i.e. regard as ספק) but don't burn (תרומה) for this
 - a. Rejection: טהרות ג:ה: – if a (טמא) needle is found (on טהרות) and is rusted or broken – טהורים – מטמא
 - i. And: we don't concern ourselves that it might have been מתוקן before and was מטמא
 - b. And: טהרות ט:ט: – burned-up שרץ or worn-out coat on top of olives-טהורים per טמאות
 3. Proposal: perhaps מציאתו שעת is both ולחומרא and לקולא – as long as it was found in original place
 - a. But: if found in another place – we only regard as ספק (→ תולין) and don't burn
 - b. Rejection: מדרס (מדף) of זב was in front of it, even though it would have been impossible for the bread to fall without touching מדף – still טהורה, as we might suggest that an אדם טהור came and took it from the shelf
 - i. Unless: he knows for a fact that no one came in to the room
 - ii. And: ר"א – taught for a case where there is a slope beneath
 - iii. Answer: in that case, we assume a person came and took the bread
 - iv. Counter: why not claim that a bird dropped the שרץ into the box (in the new corner)?
 - v. Answer: a person acts with intent; unlike a bird
 - (c) Challenge: this bread should be טמא, as טמא ברה"י, as טמא
 - i. Answer1: the bread is לישראל דעת (can't be asked) טהור → טהור
 - ii. Answer2: the מדף is מדרבנן טמא (indicated by use of "מדף" – per v. 1) טהור → טהור