

39.3.6; 27a → 28a (אסמכתא בעלמא) (שליא בבית הבית טמא)

1. אם נבלת בהתנשא ואם זמות יד לפה: משלי ל, לב
2. דבר אל בני ישראל לאמר **אשה** פי תזרע וקלדה זכר וטמאה שבעת ימים כימי נדת דותה תטמא: ויקרא יב, ב
3. ויהי בלדתה ויהי יד ותקח הקלדה ותקשר על ידו שני לאמר זה יצא ראשונה: בראשית לח, כח

I Analysis of dispute ר"מ/ר"ש regarding שליא and טומאת אהל

- a ר"מ מ משנה נדה ד:גי. תוספתא נדה ד:גי. **ברייתא**
 - i Dissent: ר' יוסי, ר' יהודה ור"ש: if it were taken out in cup directly to another room, second room would be טהור
 - ii agrees – since וולד would be so mashed up it would be בטל
 - 1 חכמים: same applies in first room
 - 2 ר"מ: can't compare getting mashed up once to getting mashed up twice
- b Story: טמא (ט"מ) mixed with something else is בטל ר' יוסי ור' יהודה ר' המנונא
 - i added in that that was also the rationale for יהודה ר"ש
 - ii Challenge: isn't that obvious
 - 1 indeed, but even "obvious" things should be stated, per v. 1
 - iii Confirmation: ר"ש ruled (תוספתא אהלות ד:ה) *contra* חכמים, that a טמא of corpse-mold that had dirt fall in – טהור
 - 1 Rationale (רבנן דבי רב): inevitably, at some place there is more dirt than רקב → the טמא is deficient
 - (a) Challenge (רבנן): inevitably, there is a place where רקב is more than dirt; and dirt "joins" רקב and adds to טמא
 - 2 Rather (רבנן): end is like formation of רקב; just as when formed, must be "pure" רקב, else it is טהור; so too at "end"
 - (a) Source: תוספתא אהלות ב:ג – only if מת is buried in "antiseptic" environment (e.g. unclad, in marble casket)
 - (i) But: if buried in environment that may contribute to mold (e.g. wood casket or clad) – רקב no
 - (ii) Note: רקב only applies to someone who died; not someone who was killed (and bled out)
 - c Revisiting: ר"ש ג:גב – & תוספתא אהלות ד:ה – also rules (again, *contra* חכמים) that if a טמא of רקב is spread through a house, טהור
 - i Justification: if we only had 1st case, perhaps רבנן מטמא since רקב is in one place, but not in 2nd case
 - 1 And: if we only had 2nd case, perhaps ר"ש מטמא since we can't extend אהל (אין מאהיל וחוזר ומאהיל) but not in 1st – צריכא
 - d Related **ברייתא** ג:גב – תוספתא אהלות ג:גב – טמא, per חכמים ר"ש; מטמא, per ר"ש
 - i Rationale: impossible to have that much cemetery dirt without טמא of mold
 - ii Note: once we've established that ר"ש is מטמא due to תחלתו: סופו, why is he מטמא the placenta?
 - 1 Answer (ר' יוחנן): due to ביטול ברוב (the וולד is בטל to the לידה)
 - 2 Confirmation: ר' יוחנן and ר"ש had the same approach
 - (a) ר"ש: our case
 - (b) בכורה – if a "births" a clod of blood, it is buried and she is פטורה from בכורה
 - (i) and there is no טמא מגע ומשא for contact with it – buried to publicize that mother is הבכורה
 - (ii) reason it is טהור ממגע ומשא (even though it is a valid וולד) – due to ביטול ברוב
 - e Further on ר"ש's approach: even though he declares house to be טהור, mother still has טמא לידה – per v. 2
 - i Meaning: even if she only birthed something similar to the seed – טמא
 - f מטמא באהל if they shook the עובר up in its waters, like a מת whose features are erased – not דשב"ל
 - i מטמא באהל if מת isn't ד' יוחנן
 - ii Proposal: ruling that a מת who is burned up and just skeleton remains is טמא
 - 1 And: once they declared big openings (in house to other rooms) – טמאים, but not little openings (can't get it out)
 - 2 But: instead of inferring that if the skeleton were gone, all would be טהור;
 - (a) Rather: infer that if skeleton were gone, even small openings would be טמאים, as it could go out via there
 - iii Analysis (רבינא לר"א) ר' יוחנן was following ר' אליעזר (אהלותב:ב) – who defines טמא of human ashes at רובע הקב (i.e. still מטמא)
 - 1 Note: a מת could be fully burnt up but have skeleton intact if he were burned on rough pelt (אביי), on marble (רבא)
 - (a) Or: if he were singed