

## 39.1.2

3b (עלה נדף) → 4b (איתמר קופה)

1. והנשארים בכם והבאתי מרדך בלבכם בארצת איביהם ורדף אתם קול עלה נדף ונסו מנסת חרב ונפלו ואין רדף: ויקרא בו, לו

- I Dispute יוחנן ר' חזקיה 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), שמאי והלל agreed that they are טמאות
- ii Resolution #1: שמאי והלל 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) ד' 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: שמאי והלל were referencing a box that hadn't been checked; ר'י וחזקיה disagreed about a בדוקה קופה
- 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: 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: שמאי והלל were referencing a box that was uncovered; ר'י וחזקיה disagreed about a מכוסה קופה
- 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: 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: שמאי והלל 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 טומאה found in one place to be in another
- (b) ד' יוחנן: we do presume טומאה found in one place to be in another
- (i) Challenge: טהרות ה: – 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 – מטמא ר'י is – מטמא חכמים deem him to be טמא – all טומאות are per שעת מציאתן
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: – 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: – טהרות ט: – שרץ or worn-out coat on top of olives- טהורים; טומאות per שעת מציאתן
3. Proposal: perhaps שעת מציאתן is both ולחומר – 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: טהרות ד: – תוספתא טהרות ד: – if a loaf of bread was on a shelf and 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 טומאה ברה"י
- i. Answer1: the bread is לישראל דעת לישאל (can't be asked) → טהור, even ברה"י
- ii. Answer2: the מדף is מדרבנן (indicated by use of "מדף" – per v. 1) → טהור