

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

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

- I Analysis of dispute ר"מ/ר"ש regarding שליא and אהל טומאת
- a ר"מ is attributed to our משנה – תוספתא נדה ד:יג. **ברייתא**
- i Dissent: ר' יהודה ור"ש – if it were taken out in cup directly to another room, second room would be טהור
- ii ר"מ 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: ר' taught that ר"ש's reason was that any טומאה (ט"מ) mixed with something else is בטל
- i ר' יוסי ור' יהודה – ר"ש added in that that was also the rationale for יהודה ר"פ
- ii Challenge: isn't that obvious
- 1 ר"פ indeed, but even "obvious" things should be stated, per v. 1
- iii Confirmation: ר"ש ruled (תוספתא אהלות ד:ה) *contra* חכמים, that a טהור of corpse-mold that had אהל of dirt fall in – טהור
- 1 Rationale (רבנן דבי רב): inevitably, at some place there is more dirt than רקב → the טהור is deficient
- (a) Challenge (רבנן): inevitably, there is a place where רקב is more than dirt; and dirt "joins" רקב and adds to טהור
- 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 also rules (again, *contra* חכמים) that if a טהור of רקב is spread through a house, טהור
- i Justification: if we only had 1st case, perhaps רבנן are מטמא since רקב is in one place, but not in 2nd case
- 1 And: if we only had 2nd case, perhaps ר"ש is מטמא since we can't extend אהל (אין מאהיל וחוזר ומאהיל) but not in 1st – צריכא
- d Related **ברייתא** – תוספתא אהלות ג:ב – מטמא of cemetery dirt is טהור, per חכמים; ר"ש is מטמא
- i Rationale: impossible to have that much cemetery dirt without טהור of mold
- ii Note: once we've established that ר"ש is מטמא mold due to:תחלתו, 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 stated that ר"ש and ראב"י 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) ר"ש and there is no טומאת מגע ומשא for contact with it – buried to publicize that mother is הבכורה
- (ii) ר"ש 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 טומאת לידה – per v. 2
- i Meaning: even if she only birthed something similar to the seed – טמאה
- f מטמא באהל: if they shook the עובר up in its waters, like a מת whose features are erased – not מטמא באהל
- i ר"ש: what is source that such a מת isn't באהל
- 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 (רבנן לר"א) – ר' אליעזר (אלהותב:ב) – who defines טהור of human ashes at 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
- II טהור – if she is מפיל a shaped arm or leg – mother is טמאה לידה and we aren't concerned it comes from אטום
- a However: ר' חסדא ורבה ב"ר הונא – we do not grant her טהור; ימי טהור perhaps the "birth" was a long time ago
- b Challenge (ר' יוסף) – נדה ג:ו – if she is מפיל and we don't know what it is – has days of זכר and נקבה (לחומר), including טהור ימי
- i But: if we have such concerns, why not add the concern that she is a נדה here (and לידה was a long time ago)
- ii Answer (אביי): if we stated נדה, we would think her קרבן isn't eaten – but it is eaten
- c הונא: if the עובר put out its hand and then withdrew it – she is טמאה לידה (per v. 3)
- i Challenge (רב יהודה): if the עובר puts out its hand and then retracts it, mother has no חשש at all
- ii Answer (ר' ג'): from ר"ה – she is חושש but doesn't get טהור ימי ("no חשש" – is דאורייתא; v. 3 invoked is an אסמכתא)