

39.6.3; 50a (משנה ז) → 51b (סתמא לכמך עשויה ש"מ)

ז. וכי יפל מנבלתם על כל זרע זרוע אשר יזרע טהור הוא: ויקרא יא, לו

- I ז משנה: similar relationship between produce that is liable for פאה and that which is liable for מעשרות
- a **תבואה**: any food which is liable for פאה is liable for מעשרות; but there are some which are liable for מעשרות only
- i **Comment**: the difference is vegetables and figs, per difference in general rules governing each:
- 1 פאה (א:ד) – that which is:
    - (a) **אוכל**: excluding bushes used for dyeing
    - (b) **גשמי**: excluding הפקר
    - (c) **גידולו מן הארץ**: excluding mushrooms
    - (d) **לקיטתו כאחת**: excluding figs
    - (e) **מכניסו לקיום**: excluding vegetables
  - 2 **מעשרות** (א:א) only includes first three criteria
- ii **Exception**: if there were bulbs (e.g. onion, garlic) among the vegetables, they are liable for פאה, per ג:ד
- II Discussion – role of changed intent after planting, vis-à-vis מעשרות חיוב
- a **ד' יוחנן**: if he planted endive for animal feed and then changed his mind to use it for human food
- i **Then**: requires new intent (for human food) after harvest
- ii **Concept**: he holds that מחשבת חבור (intent while plant is attached to ground) is meaningless
- iii **דבא**: support א:א: טהרות – among characteristics of טהור נבלת עוף טהור is requirement of intent (to be אוכל אדם) but not הכשר
- 1 **Implication**: intent while it is alive isn't meaningful
  - iv **Dissent**: א:א interpreted ר' זירא as a case of a bird that fell from the sky (i.e. no opportunity for מחשבת חיים)
    - 1 **Challenge** (**אבני**): how would he explain the case of the יבנה-chicken? (see below)
    - 2 **Answer**: that was a wild bird (not around for מחשבת חיים)
      - (a) **Response (of students)**: laughed at him – such a bird is טמא – which has no טומאה as a נבלה
      - (b) **אבני**: it was a domestic bird that ran away
      - (c) **ד"פ**: it was a “lake hen” (per his ruling – lake-hens are מותר; lake-roosters – אסור; mnemonic-עמוני ולא עמונית)
        - (i) **מרימר**: lake-hens are prohibited – the students saw one grabbing feed with its feet – which is a טמא לעוף טמא
- b **ד' יוחנן טהרות ט:יד**: if a bird fell onto a גת; if he intended to pick it up to give to a כותי – טמא (=מקבל טומאה); for a dog – טהור
- i **Dissent**: נורי – ר' יוחנן בן נורי – even if he intended to pick it up for a dog
- ii **Argument**: if it can be מטמא a severe טומאה (טומאת בגדים אבית הבליעה) w/o intent, certainly it can be אוכלין (קל) מיטמא טומאת אוכלין
- 1 **Counter**: טומאה חמורה never requires מחשבה – can't prove from there to ט"א, which always requires intent (v. 1)
  - 2 **Response**: the “יבנה-hen”, which would require מחשבה, yet they were מטמא it without intent
    - (a) **Defense**: in that case, the local כותים had intent (to eat it)
  - iii **Circumstance**: couldn't have been in a city – doesn't require any מחשבה (per ג:ג); must be in a village
    - 1 **However**: all agree that נבלת עוף טהור requires intent in a village (where they generally eat meat instead) (ibid)
    - 2 **Answer (ר' זעירא)**: must have been in the city; falling into the גת made it “spoiled” and equated it (for this) to a כפר
- c **דבא**: ר' יוחנן concurs in the case of מעשר that intent while it is מחובר לקרקע is significant
- i **Proof**: חייבות במעשר – certain grasses in a חצר – if they are guarded, מעשרות ג:ט
- 1 **Clarification**: must be planted for animal food (else, חיוב is obvious) – and he must have reoriented intent afterwards
  - 2 **Block (ר' אשי)**: they grew wild – the default assumption is that they are for human consumption
    - (a) **And**: intent of נשמרין – if they are protected (by the nature of the חצר) – חייבין; if not – פטורין
  - ii **Challenge (ר' אשי)**: from our משנה – these would be a counter-example – חייבין במעשר but not susceptible to טומאת אוכלין
    - 1 **Defense (דבא)**: meaning of our משנה is “types” – no type of food is חייב במעשר unless it is also subject to ט"א
    - 2 **Support**: next משנה – מתנות חיוב מתנות חיוב encompasses הגז ראשית, yet a טריפה has ר"ג but not מתנות – rather, it refers to types
      - (a) **Block (רבינא)**: could follow ר"ש, who rules that a טריפה is exempt from ר"ג
    - 3 **Support (ר' שימי בר אשי)**: if he is מפקיר his vineyard and then harvests it – חייב – but not מתנ"ע but not מעשר
      - (a) **In spite of**: our משנה (above) – that מעשר always encompasses פאה – rather, it refers to types of produce
- III General challenge to the “telescoping חיובים” – שבת (anethum – used as spice) is חייב בפאה (פאה ג:ב) → חייב במעשר → חייב במעשר
- a **Implying**: things grown for flavor are vulnerable to טומאת אוכלים
- b **Challenge**: ר"ע per טומאת אוכלין but are not vulnerable to טומאת אוכלים, כסף מעשר lists similar spices – all may be bought with מעשר, but are not vulnerable to טומאת אוכלים
- i **ד"ב**: must be consistent – and the final ruling is that they may not be bought with מעשר (nor are they בט"א)
- c **Answer (ר"ח)**: ג:ד refers to שבת פאה ג:ד (כך) – eaten, not just flavored (not just טריפה – default of שבת – used in כך)
- i **Per**: ruling that שבת, once it has flavored the pot, no longer has טומאה or ט"א → beforehand, it does → עשויה