

39.7.2; 56a (משנה ב) → 57a (סיום הפרק)

1. לא תסיג גבול רעה אשר גבלו ראשנים בנחלתך אשר תנחל בארץ אשר ה' אלהיך נתן לך לרשתה: דברים יט, יד
 2. לא תקלל חרש ולפני עור לא תתן מקשל ויראת מאלהיך אני ה': ויקרא יט, יד
 3. ועברו העבדים בארץ וראה עצם אדם ובנה אצלו ציון עד קברו אתו המקברים אל גיא המון גוג: יחזקאל לט, טו

- I כתמים: the “found” שרץ and its parallel
- a *If*: מביי found in שרץ, area is טמא retroactive to last time checked or to date of the last comprehensive sweep of the מביי
 - b *Similarly*: a כתם renders the wearer טמא retroactive to the last time she checked it and found it to be clean or to last כבוס
 - c *both*: are מטמא whether moist or sere
 - i שרץ if מטמא ד"ש; but moist שרץ is only מטמא as far back as it could have been dead (but moist כתם may be old and got wet)
 - 1 *Challenge*: perhaps the same could have happened to the moist שרץ
 - 2 *Answer*: if that happened to a שרץ, it would be torn up and not looking as it (presumably) does now
- II Analysis of the “retroactive” time – is the assumption that when sweeping, it is checked – or that everything is swept out
- a *Practical difference*: if he swept and averred that he didn't check (but if all is swept, any שרץ would be swept out)
 - i *Alternatively*: a שרץ found in a hold – would have been seen if checked, but wouldn't automatically be swept out
 - b *Parallel question*: is the assumption that when she launders her garments, she checks – or that they get completely laundered?
 - c *Practical difference*: same as above – if she laundered and averred that she failed to check
 - i *Alternatively*: if there were a stain on the side (where there are pleats and folds; wouldn't be laundered)
 - d *Answer (to both)*: ר"מ explicitly explains that in both cases, the חזקה is that ב"י check when sweeping or laundering
 - i *Note*: ר' אחא provides a solution if she didn't check – to re-launder; if stain lightens, it must have happened post-כיבוס
 - ii *correction (רבי)*: no need – a stain from before כיבוס would separate from בגד; if since כיבוס, would stick to בגד
- III status of כתמים found on clothes coming from non-Jewish areas (טמא כתמי נכרים are not טמא)
- a *Location*: any clothes coming from רקם (probably SE Israel, east of present-day דימונה) are טהור
 - b *Dissent*: ר' יהודה holds that the residents of רקם are גרים who are unfamiliar with כתמים (→ טמאים)
 - c *Rule*: any כתמים coming from non-Jewish areas are טהורים
 - i *Note*: the משנה doesn't make any distinctions – even from תרמוד/תרמוד (in Syria)
 - 1 *Challenge*: ד' יוחנן this means that we may accept גרים from תרמוד (i.e. they are certainly non-Jews)
 - 2 *Challenge*: ר' יוחנן (and elders) ruled that we do not accept גרים from תרמוד
 - (a) *Proposal*: perhaps ר' יוחנן merely identified implication of our משנה but doesn't accept it
 - (b) *Rejection*: ר' יוחנן's approach is that הלכה כסתם משנה
 - (c) *Answer*: we have a dispute among his students if he ruled כסתם משנה or if we reject גרים from תרמוד
 - d *However*: if they come from a mixed ישראל-כותי area, ר"מ deems them טמאים; חכמים maintain that they aren't נחשד about כתמים
 - i *Clarification (after 1st attempt)*: if from כותים, who are legitimate גרים, טמא; if from ערי ישראל – טהורים
 - 1 *If*: from mixed cities – ר"מ is מטמא, as כותים don't hide them; חכמים מטהרים – as they are careful about כתמים
- IV status of “found” כתמים
- a *Rule*: כתמים found anywhere are טהורים, unless found in private rooms (of homes) or in בית הטמאות (where נדות would gather)
 - b *of בית הטמאות*: כותים are considered אהל המת, as if a בת יולדת miscarries, she comes and buries the נפל there
 - i ד' יהודה wouldn't bury them (per v. 1), rather they would throw them there for wild animals to drag away
- V trusting כותים
- a *They are believed*: regarding burial of נפלים, status of מבכרת or קברות:
 - i נפלים: they have credibility regarding burial of נפלים, either way
 - ii בכורה: they have credibility regarding status of animal – if she's ever had a בכור or not
 - iii *Graves*: they have credibility about a grave marker (if it was or wasn't there) vis-à-vis מת טמא
 - 1 *Note*: due to their disregard for v. 2 (לפני עוור), only valid if they are acting based on report (e.g. shearing putative בכור)
 - b *But they are not believed*: regarding פרעות, סככות or בית הפרס
 - i סככות: if trees branch over קבר, area under סככה is an אהל המת – not believed that there is/isn't grave there
 - ii פרעות: same as סככות, but involving a stone jutting out from a fence
 - iii *בית הפרס*: a field which holds a grave but its location is unknown
 - 1 *challenge*: per ר' יוחנן, they are believed to testify about location of grave, and tree which branches over grave
 - 2 *answer (ר' יוחנן)*: in that case, if they are walking in the area itself, credibility borne out by their own actions
 - c *Rule*: in any area about which they are suspected (of violation) – they have no credibility
 - i *Note*: rule extends to include תחום שבת and סתם יינם (which they don't observe → no credibility)