

וְלִמְדוּנוּ שְׁלִישִׁי בְּקוֹדֶשׁ מִן הַתּוֹרָה, רְבִיעִי מִקַּל וְחוֹמֶר.

The Gemara notes: **And we derived third-degree impurity with regard to consecrated items from the Torah, and fourth-degree impurity of consecrated items by means of the above a fortiori inference.** In light of the *dayyo* principle, one might have thought that this *a fortiori* inference cannot serve as the basis of the *halakha* that consecrated property can assume fourth-degree impurity status. Since the source of this inference is third-degree impurity status, the conclusion that emerges can be only that consecrated objects can assume third-degree impurity status, like *teruma* itself. The Gemara explains that the *dayyo* principle does not apply in this case. If the *a fortiori* inference is rendered moot as a result of applying that principle, the principle is not applied. Because the fact that consecrated objects can assume third-degree impurity status is derived from the verse, if that which emerges from the inference is that *halakha* itself, the *a fortiori* inference is moot. Therefore, the principle does not apply and the fact that consecrated objects can assume fourth-degree impurity status is derived from the inference.

שְׁלִישִׁי מִן הַתּוֹרָה – דְּבַתִּיב: "וְהַבָּשָׂר אֲשֶׁר יַגֵּעַ

The Gemara elaborates. The fact that consecrated objects can assume third-degree impurity status is derived from the Torah, as it is written: **"And the flesh that touches**

Perek I  
Daf 19 Amud a

NOTES

Will we stand and rely on that proof – אֵהְיֵי יָקוּם – וְנִסְמַךְ: The weakness of this proof is that it is based on the fact that no evidence to the contrary was discovered. Clearly this type of proof is not compelling, and indeed the Sages say explicitly that the fact that a certain phenomenon has not been witnessed is no proof that it does not exist. It is not insignificant that while numerous *mishnayot* discuss the *halakhot* of ritual impurity not one of them mentions a fifth degree of impurity; however, that is insufficient evidence to establish a definitive conclusion.

He left the study hall, analyzed, and found – נִפְקַד וְאֵשְׁבַח: The Sages would sit in the study hall and debate different *halakhot*. Rav Ashi's question was raised in the context of these discussions. When a Sage sought to review material on his own or consult others who knew *mishnayot* and *baraitot* by heart, he would leave the study hall to analyze and ponder the issue alone without disturbing the proceedings inside.

HALAKHA

Joining consecrated objects – יְצִירוֹ לְקֹדֶשׁ: If an impure object touches a fruit that is inside a vessel, all of the fruits that the vessel contains become ritually impure. This *halakha* applies specifically to consecrated objects, but not to *teruma* (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTumot* 12:7).

בְּכֹל טָמֵא לֹא יֵאָכֵל מִי לֹא עֶסְקִינוּ דְּנִגְעַע בְּשֵׁנֵינוּ? רְבִיעִי מִקַּל וְחוֹמֶר – בְּדִאֲמָרֵינוּ.

any impure thing shall not be eaten" (Leviticus 7:19). **Are we not dealing even with a case where meat touched an object that was ritually impure with second-degree ritual impurity? And nevertheless, the verse states explicitly that it is impure and assumes third-degree ritual impurity status.** No other source is needed to teach that consecrated objects can assume third-degree ritual impurity status. Therefore, **fourth-degree impurity status can be derived by means of the a fortiori inference, as we stated above.**

וְאִי סֵלְקָא דְעֵתֵךְ סָבַר כְּרַבִּי עֲקִיבָא, וַיִּתְּנֵי נַמֵּי רְבִיעִי בְּתֵרוּמָה וְחֻמֵּישִׁי בְּקוֹדֶשׁ!

The Gemara returns to its previous point: **And if it enters your mind that Rabbi Yosei holds in accordance with the opinion of Rabbi Akiva that non-sacred objects can assume third-degree impurity status, let him also teach the halakha of the fourth degree of impurity with regard to teruma, and the fifth degree with regard to consecrated items, on the basis of that same a fortiori inference.** The fact that he does not extend the *a fortiori* inference to include these *halakhot* proves that Rabbi Yosei does not agree with Rabbi Akiva's opinion on this issue.

אֵלָּא רַבִּי עֲקִיבָא לֹא סָבַר כְּרַבִּי יוֹסֵי מִנְלֵן?

However, with regard to the fact that **Rabbi Akiva does not hold in accordance with the opinion of Rabbi Yosei, from where do we derive this?** Perhaps he accepts Rabbi Yosei's *a fortiori* inference and holds that *teruma* assumes fourth-degree impurity status and consecrated items assume fifth-degree impurity status.

אָמַר לֵיה: דְּלֹא לִישְׁתַּמְיט תֵּנָא וְלִיתֵי רְבִיעִי בְּתֵרוּמָה וְחֻמֵּישִׁי בְּקוֹדֶשׁ, וַיִּמָּא רַבִּי עֲקִיבָא הֵיא. וְאַנְן אֵהְיֵי יָקוּם וְנִסְמַךְ?

Rav Kahana said to Rav Ashi that there is indirect proof that this is the case. **As it is not possible to avoid finding at least one tanna who teaches fourth-degree impurity with regard to teruma and fifth-degree impurity with regard to consecrated items, and says that this is the opinion of Rabbi Akiva, who derived it from the a fortiori inference of Rabbi Yosei.** In response to this claim, the Gemara asks: **And will we stand and rely on that proof?**<sup>N</sup> Can proof for Rabbi Akiva's opinion be cited from the fact that no such *tanna* was found? Perhaps there is some source for that *halakha*.

נִפְקַד רַב אֲשִׁי, וְאִי תִּמָּא רַב כְּהֵנָּא, דִּק וְאֵשְׁבַח, הָא דְתַנְּנֵי: הַכְּלִי מְצַרֵּף אֶת מַה שְּׁבָתוּכוּ לְקוֹדֶשׁ, אֲבָל לֹא לְתֵרוּמָה, וְהָרְבִיעִי בְּקוֹדֶשׁ פְּסוּל וְהַשְּׁלִישִׁי בְּתֵרוּמָה.

Rav Ashi, and some say it was Rav Kahana, left the study hall to examine this matter. **He analyzed the issue and found<sup>N</sup> proof positive that Rabbi Akiva does not hold that there is fifth-degree impurity with regard to consecrated items.** He proved this from **that which we learned** in a mishna: **A vessel joins that which is in it into a single unit.** For example, if there are fruits in a vessel between which there is no contact and one of them became ritually impure, all of the fruits are impure, as they are joined by the vessel. This principle applies with regard to consecrated property, but not with regard to *teruma*.<sup>H</sup> **And the fourth degree of impurity disqualifies consecrated items but does not transmit impurity, while third-degree impurity disqualifies teruma.**

**הסולת והקטורת** – *הסולת והקטורת*: Some commentaries explain that the novelty of Rabbi Akiva's statement is not its application to a situation where these items were placed inside a regular, concave vessel. Rather, he is teaching that even if they were placed on a wooden or leather board and an impure object touched one of them, they are all rendered impure. This is due to the principle of joining (Rambam's Commentary on the Mishna).

**We were privileged** – **כינו**: Some commentaries explain this statement as follows: This testimony taught us nothing new about the status of the meat, which is certainly ritually impure through contact with the needle, or the status of the knife, which would remain pure even if it were non-sacred. Instead, we were privileged to learn a new *halakha* with regard to the impurity of hands in the Temple (Rashash).

## HALAKHA

**Joining is by rabbinic law** – **צירוף מדרבנן**: The principle that a vessel joins everything inside it into a single entity is a rabbinic decree that was instituted to raise the standards of preserving the purity of consecrated property. The verses cited from the Torah serve merely as support for this decree (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTumot* 12:7).

**Impurity of hands in the Temple** – **טומאת ידים** – **במקדש**: There is no ritual impurity of hands in the Temple, as the rabbinic decree with regard to the impurity of hands was not in effect in the Temple, in accordance with Rabbi Akiva's observation (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTumot* 8:6).

ואמר רבי חייא בר אבא אמר רבי יוחנן: מעדותו של רבי עקיבא נשנית משנה זו, (דתניא): הוסיף רבי עקיבא הסולת והקטורת והלבונה והגחלים, שאם נגע טבול יום במקצתן – פסל את כולן.

רביעי – אין, חמישי – לא. שלישי – אין, רביעי – לא.

אלמא קסבר: צירוף דרבנן. ופליגא דרבי חנין, דאמר: צירוף דאורייתא, שנאמר: "כף אחת עשרה זהב מלאה קטרת" – הכתוב עשה כל מה שבבך – אחת.

תנן התם: על מחט שנמצאת בבשר – שהסבין והידים טהורות והבשר טמא. נמצאת בבשר – הכל טהור. אמר רבי עקיבא: וכינו שאין טומאת ידים במקדש.

And Rabbi Hiyya bar Abba said that Rabbi Yoḥanan said: It is from the testimony of Rabbi Akiva that this mishna is taught, as it was taught in a *baraita*: Rabbi Akiva added in his testimony with regard to the fine flour, the incense,<sup>n</sup> the frankincense, and the coals on the altar, which are not foods and do not ordinarily become impure, that if a person who immersed during that day, who disqualifies consecrated items, touches some of them, he disqualifies all of them, as the vessel joins them into one unit.

This *baraita*, which is the opinion of Rabbi Akiva, states that with regard to fourth-degree impurity, yes, consecrated objects assume that status; however, with regard to fifth-degree impurity, no, consecrated objects do not assume that status. With regard to third-degree impurity, yes, *teruma* assumes that status; however, with regard to fifth-degree impurity, no, *teruma* does not assume that status.

The Gemara comments: Apparently, Rabbi Yoḥanan holds that joining in a single vessel, of frankincense, incense, or coals, is a *halakha* by rabbinic law,<sup>n</sup> not by Torah law, as the ritual impurity of frankincense and coals is by rabbinic law. And Rabbi Yoḥanan disputes that statement of Rabbi Ḥanin, who said: Joining in a vessel is a *halakha* by Torah law, as it is stated: "One golden spoon of ten shekels, filled with incense" (Numbers 7:20). The verse rendered everything in the spoon, i.e., all the incense, as one entity.

Apropos ritual purity and impurity in the Temple, the Gemara cites that we learned in a mishna there: The Sages testified about the case of a needle that was found in the meat of an animal that was led through water, that the knife and the hands that touched the needle are ritually pure but the meat is impure, as the needle might have been impure. If the needle was found in the secretions of the animal's stomach, everything is pure, as secretions do not transfer impurity to the meat. Rabbi Akiva said: We were privileged<sup>n</sup> to learn a novel *halakha* from here, which is that there is no impurity of hands in the Temple<sup>n</sup> as in this case the hands did not become impure upon contact with the needle.

## Perek I

## Daf 19 Amud b

ונמא: שאין טומאת ידים וכלים במקדש! אמר רב יהודה אמר רב, ואיתמא רבי יוסי ברבי חנינא: ידים קודם גזירת כלים נשנו.

אמר רבא: והא תרווייהו בו ביום גזרו, דתנן: הספר, והידים, והטבול יום, והאוכלין והכלים שנמאו במשקין!

אלא אמר רבא: הנח לטומאת סבין, דאפילו בחולין נמי לא מטמא. האי סבין דנגע במאי? אילימא דנגע בבשר – הא אין אוכל מטמא בלי, ואלא דנגע במחט – והא אין בלי מטמא בלי.

The Gemara asks: And let us say that Rabbi Akiva says that we learn from here that there is no ritual impurity of hands and vessels in the Temple, as the mishna says that the knife which touched the needle is also pure. Rav Yehuda said that Rav said, and some say that it was Rabbi Yosei, son of Rabbi Ḥanina: The testimony that there is no ritual impurity for hands was taught prior to the decree of impurity for vessels that came in contact with impure liquids outside the Temple. Therefore, there was no novelty in the fact that there is no ritual impurity of vessels in the Temple.

Rava said: But weren't both decrees issued on the same day? As we learned in a mishna: The impurity of a Torah scroll and other sacred scrolls, and the impurity of hands that were not washed or immersed, and the impurity of one who immersed himself during that day, and the impurity of foods and vessels that became impure by contact with impure liquids, all these are included in the eighteen matters with regard to which decrees were issued on the same day.

Rather, Rava said: Leave the impurity of the knife, as even outside the Temple in non-sacred circumstances it does not become impure. As in the case of this knife, what did it touch that could transmit impurity? If you say that it touched the meat, food does not transmit impurity to a vessel. If you say, rather, that it touched the needle, a vessel does not transmit impurity to another vessel.

Spittle that is in Jerusalem – רוקין שבירושלים: Spittle found in the middle of the street in Jerusalem is ritually impure by rabbinic law, as most people who walked there were impure. If it was on the side of the road it is pure, as that is where pure people would walk. During a Festival, when most people are pure, the reverse is true: Spittle found in the middle of the street is pure, whereas spittle found on the side of the street is impure. This ruling is in accordance with the opinion of Rabbi Yosei in the mishna (*Shekalim* 8:1; Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTumot* 13:8).

Vessels found in Jerusalem – כלים הנמצאים בירושלים: All vessels found in Jerusalem are presumed pure, whether they are found on the path down to the ritual bath or on the path up from it. However, this principle does not apply to knives used in the slaughter of offerings, in accordance with Rabbi Yosei's statement in the mishna (tractate *Shekalim* 8:2; Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTumot* 13:5).

NOTES

On the path down...on the path up – דרך ירידה ודרך עליה: Some commentaries explain that the ritual baths had two separate openings. Impure people would come in through the entrance to immerse themselves, while pure people would leave through the exit after their immersion. This arrangement prevented those still impure from transmitting impurity to those who had already immersed (*Korban HaEida*; Rabbi Eliyahu Fulda). Others say that by examining the position of the vessels themselves it could be determined whether they were being brought to the ritual bath or taken away from it (*Me'iri*).



Ancient ritual bath in Gush Etzion with two separate openings

Rather, the first clause is precise – אלא רישא דוקא: Since inference from the language of the mishna itself does not fully resolve this matter, the Gemara could have said that no conclusion may be inferred from the mishna, as neither the first nor the latter clause of the mishna is formulated precisely. This is the typical response to contradictory inferences from two sections of a tannaitic source. The novelty of the statement of the *amora* here is that the first clause of the mishna was indeed formulated in a precise manner.

Small passageways [*gazyata*] – גזייתא: The *ge'onim* explain that *gazyata* is derived from the term *ganuz*, meaning secluded. It refers to a passageway to the ritual bath with regard to which there is uncertainty whether the vessels there were being brought down to the bath or taken up from it. Other commentaries explain that it means crooked, a passageway not clearly designated for either ascent or descent. Yet others read: *Gavyata*, internal, meaning passageways off the main path.

האי מחט מאי עבידתיה? אי נימא ספק מחט – והא איתמר: רבי אלעזר ורבי יוסי ברבי חנינא, חד אמר: לא גזרו על ספק הרוקין שבירושלים, וחד אמר: לא גזרו על ספק הכלים שבירושלים!

אמר רב יהודה אמר רב: כגון שאבדה לו מחט טמא מת, והכירה בבשר. רבי יוסי ברבי אבין אמר: כגון שהיתה פרה חסומה ובאה מחוץ לירושלים.

גופא, רבי אלעזר ורבי יוסי ברבי חנינא: חד אמר: לא גזרו על ספק הרוקין שבירושלים, וחד אמר: לא גזרו על ספק הכלים שבירושלים. רוקין תנינא, כלים תנינא.

רוקין תנינא, דתנן: כל הרוקין הנמצאין בירושלים טהורין, חוץ משל שוק העליון! לא צריכא, אף על גב דאיתחזק זב.

כלים תנינא, דתנן: כל הכלים הנמצאים בירושלים, דרך ירידה לבית הטבילה – טמאין. הא דעלמא – טהורין!

ולטעמיד, אימא סיפא: דרך עליה – טהורין. הא דעלמא – טמאין.

אלא רישא דוקא, וסיפא לאו דוקא, ולאפוקי גזייתא.

With regard to this needle, the Gemara asks: What is its impurity status? If we say that there is uncertainty with regard to the impurity of the needle, wasn't it stated that there is a dispute between Rabbi Elazar and Rabbi Yosei, son of Rabbi Hanina? One said: The Sages did not issue a decree in the case of uncertainty with regard to the impurity of spittle that is found in Jerusalem. Any spittle found outside of Jerusalem might have come from a *zav* or from a gentile, whose legal status in this regard is like that of a *zav*. The Sages decreed that any contact with this spittle should be treated as uncertain contact with a primary source of ritual impurity. That decree was not issued with regard to spittle found in Jerusalem. And one said: The Sages did not issue a decree in the case of uncertainty with regard to the impurity of vessels in Jerusalem. As opposed to the situation outside of Jerusalem, there is no presumption of impurity with regard to vessels found in Jerusalem, including a needle.

Rav Yehuda said that Rav said: This is referring to a case where one lost a needle that became impure through contact with a person or vessel impure with ritual impurity imparted by a corpse. Since the needle is a metal utensil, it assumes the same degree of impurity as the source of its impurity, in this case a primary source of impurity. And he then recognized the needle in the meat of the offering. Rabbi Yosei, son of Rabbi Avin, said: This is referring to a case where the cow was muzzled as it came from outside of Jerusalem. The needle is clearly from outside of Jerusalem, and in all cases of uncertainty with regard to vessels outside of Jerusalem the ruling is that they are impure.

The Gemara analyzes the dispute with regard to the decree that was not issued in Jerusalem itself. Rabbi Elazar and Rabbi Yosei, son of Rabbi Hanina, disagreed. One said: The Sages did not issue a decree in the case of uncertainty with regard to the impurity of spittle that is found in Jerusalem.<sup>h</sup> And one said: The Sages did not issue a decree in the case of uncertainty with regard to the impurity of vessels in Jerusalem. The Gemara asks: We already learned the *halakha* of spittle, and similarly, we already learned the *halakha* of vessels. What do these *amora'im* add to the earlier tannaitic rulings?

The Gemara elaborates: We already learned the *halakha* of spittle, as we learned in a mishna: Any spittle found in Jerusalem is pure, except for the spittle that is found in the upper market, an area frequented by gentiles (Rambam). The Gemara explains: No, it is necessary for the *amora* to teach that this *halakha* applies even in a case where there is a presumption that there had been a *zav* in the area where the spittle was found. Even in that case, no decree of impurity was issued with regard to spittle in Jerusalem.

Likewise, we already learned the *halakha* of vessels, as we learned in a mishna: With regard to all the vessels found in Jerusalem,<sup>h</sup> if they were found on the path leading down to the ritual bath they are presumed ritually impure. These vessels were probably not yet immersed, as people typically bring impure vessels to the ritual bath. By inference, all other vessels found elsewhere are presumed pure.

The Gemara raises a difficulty: And according to your reasoning, say the latter clause of the mishna as follows: If the vessels were discovered on the path up<sup>n</sup> from the ritual bath, they are presumed ritually pure. One can learn by inference from this statement the diametric opposite: All other vessels are presumed ritually impure.

Rather, the first clause of the mishna is precise<sup>n</sup> in its formulation, and therefore inferences may be drawn with regard to other vessels. And the latter clause is not precise in this way, and it comes to exclude only the small passageways<sup>n</sup> near the ritual bath, where it is unclear whether the vessels there were being taken to the bath for immersion or from the bath after being immersed. Since the vessels were certainly impure when brought to the ritual bath, and it is uncertain whether or not they were immersed, they retain the presumptive status of impurity. However, in cases where the uncertainty is whether or not the vessels were impure at all, then where the impurity is by rabbinic decree, that decree is not in effect in Jerusalem, and the vessels are ritually pure.

