

NOTES

And why was *karet* administered to one's sister excluded – ולמה יצאת כרת באחותו: The principle here is: A matter that was included in a generalization but was explicitly excluded in order to teach a *halakha*, was not excluded to teach only concerning the specific matter at hand; it was rather excluded in order to teach concerning an entire generalization. In other words, an exception written with regard to one detail applies to the entire generalization. See *Tosafot*, who explain this slightly differently.

אמר רבא: אמרי בי רב: תנינא אין בין יום הכפורים לשבת אלא שזה זדונו בידי אדם וזה זדונו בהיכרת. ואם איתא – אידי ואידי בידי אדם היא!

Rava said that the Sages of the school of Rav said: We learned: The difference between Yom Kippur and Shabbat is only that in this case, Shabbat, its intentional desecration is punishable at the hand of Man; and in that case, Yom Kippur, its intentional desecration is punishable with *karet*. And if the statement of Rabbi Hananya ben Gamliel is so, in both this case, Shabbat, and that case, Yom Kippur, the punishment is at the hand of Man.

אמר רב נחמן: הא מני – רבי יצחק היא, דאמר: מלקות בחייבי כריתות ליכא. דתניא, רבי יצחק אומר: חייבי כריתות בכלל היו, ולמה יצאת כרת באחותו – לדונה בכרת ולא במלקות.

Rav Nahman said: There is no proof from here that Rabbi Hananya ben Gamliel's colleagues disagree with him, as in accordance with whose opinion is this mishna taught? It is according to the opinion of Rabbi Yitzhak, who said: There are no lashes in cases of those liable to receive *karet*, as it is taught in a *baraita* that Rabbi Yitzhak says: All those liable to receive *karet* in cases of incest were included in the principle: "For whoever shall commit any of these abominations, even the persons that commit them shall be cut off from among their people" (Leviticus 18:29). And why was *karet* administered to one's sister excluded<sup>N</sup> from this verse and mentioned independently (Leviticus 20:17)? It is to sentence her to the punishment of *karet* and not to the punishment of lashes. This serves as a paradigm; wherever one is liable to receive *karet*, there are no lashes.

רב אשי אמר: אפילו תימא רבנן, זה – עיקר זדונו בידי אדם, וזה – עיקר זדונו בהיכרת.

Rav Ashi said: Even if you say that the mishna is according to the opinion of the Rabbis who disagree with Rabbi Yitzhak and hold that there are lashes even in cases where there is liability for *karet*, there is no proof that Rabbi Hananya ben Gamliel's colleagues disagree with him. The mishna can be understood as follows: In this case, Shabbat, the primary punishment for its intentional desecration is at the hand of Man; and in that case, Yom Kippur, the primary punishment for its intentional desecration is with *karet*. If, however, he was flogged, he is exempt from *karet*.

Perek I

Daf 8 Amud a

NOTES

כלים שעושים – Utensils that one uses in preparation of food – ביהן אוכל נפש: In the Jerusalem Talmud it is explained that there is a distinction to be made between utensils in which food is prepared, e.g., a sieve and a sifter, which would be prohibited to one who is prohibited by vow from deriving benefit from another's food; and vessels in which food is merely placed, e.g., cups and plates, which are permitted even to that person.

מתני' אין בין המוֹדֵר הַנָּאֵה מִחֲבִירוֹ לְמוֹדֵר מִמֶּנּוּ מֵאֲכָל אֶלָּא דְרִיסַת הַרְגֵּל, וְכֵלִים שְׂאִין עוֹשִׂין בֵּהֶן אוֹכֵל נֶפֶשׁ.

**MISHNA** The difference between one for whom benefit from another is forbidden by vow and one for whom benefit from another's food is forbidden by vow is only with regard to stepping foot on his property, and with regard to borrowing utensils from him that one does not use in the preparation of food, but for other purposes; as those two benefits are prohibited to the former, but permitted to the latter.<sup>H</sup>

גמ' הא לענין כלים שעושים ביהן אוכל נפש – זה וזה שוין.

**GEMARA** The Gemara infers that with regard to preparation of food,<sup>N</sup> both this, one who vowed that any benefit is forbidden, and that, one who vowed that benefit from food is forbidden, are equal. It is prohibited for both to derive benefit from utensils used in the preparation of food.

HALAKHA

One prohibited by vow from deriving benefit from another and one prohibited by vow from deriving benefit from another's food – המוֹדֵר הַנָּאֵה מִחֲבִירוֹ לְמוֹדֵר מִמֶּנּוּ מֵאֲכָל – One for whom it is prohibited to derive benefit from another's possessions is prohibited to pass through his friend's property, even if it does not shorten his path (*Taz*; *Shakh*). He may not even go through his friend's fields during the summer, when people typically overlook trespassing in their fields. Likewise, he may

not borrow any vessel from his friend. If he is prohibited by vow from deriving benefit from another's food, it is prohibited to eat his food. If one said: Benefit from your food is prohibited for me, he may not eat the food; however, he may use vessels used in preparation of the food. If he said: Benefit that leads to food is prohibited for me, he may neither eat the food nor benefit from any vessel that is typically rented (*Shulhan Arukh*, *Yoreh De'a* 221:1).

**Vow offerings and gift offerings – נדרים ונדבות** – What is the difference between a vow offering and a gift offering? If one designated an animal for an offering by means of a vow, and the animal was lost or died, he is obligated to replace it. If one designated an animal as a gift offering, saying: This is an offering, if the animal dies or is lost, he is not obligated to replace it (Rambam *Sefer Avoda, Hilkhot Ma'aseh HaKorbanot* 14:5).

**Which is the case of a vow offering... which is the case of a gift offering – אי זהו נדר... איזהו היא נדבה** – If one says: It is incumbent upon me to bring an offering, or: It is incumbent upon me to bring the value of a certain object as an offering, that is a vow offering. However, if one says: It is incumbent upon me to bring this animal, or: It is incumbent upon me to bring the value of this object, that is a gift offering (Rambam *Sefer Avoda, Hilkhot Ma'aseh HaKorbanot* 14:4).

BACKGROUND

**Do not be slack – בל תאחר** – The source for this prohibition is Deuteronomy 23:22. One violates the prohibition when he fails to fulfill his commitment before three pilgrim festivals pass from the time it was pledged. The prohibition applies to all obligatory offerings, tithes, gifts, and pledges to the Temple treasury. Moreover, this prohibition also applies to pledges to charity and the like, which must also be honored within the same period of time.

”דריסת הרגל: הא לא קפדי אינשי! אמר רבא: הא מני – רבי אליעזר, דאמר: ויתור אסור במודר הנאה.

The mishna stated that for one for whom benefit from another is forbidden by vow, **stepping foot** on the latter’s property is prohibited. The Gemara asks: What benefit is that? **Aren’t people not particular<sup>N</sup>** about other people treading on their property? **Rava said:** In accordance with whose opinion is this mishna taught? It is the opinion of **Rabbi Eliezer, who said: Overlooking is prohibited<sup>N</sup>** in the case of **one for whom benefit is forbidden by vow**. For one for whom benefit from another is forbidden by vow, benefit is forbidden even in matters with regard to which one is typically not particular and overlooks others’ use of his property, e.g., stepping foot on it.

**מתני’** אין בין נדרים לנדבות אלא שנהדרים חייב באחריותן, ונדבות אינו חייב באחריותן.

**MISHNA** The difference between animals consecrated to the Temple as **vow offerings and animals consecrated as gift offerings is only<sup>N</sup>** that in the case of **vow offerings**, if they died or were lost before being sacrificed on the altar, **one is obligated in the responsibility to replace them**, and in the case of **gift offerings**, if they died or were lost, **one is not obligated in the responsibility to replace them.**<sup>H</sup>

**גמ’** הא לענין “בל תאחר” – זה וזה שוין.

**GEMARA** The Gemara infers that with regard to the **matter of the prohibition: Do not be slack<sup>B</sup>** to pay one’s pledges, both **this**, a vow offering, **and that**, a gift offering, **are equal**. If one delayed bringing either a vow offering or a gift offering, he violates the prohibition.

תנן התם: אי זהו נדר – האומר “הרי עלי עולה”. איזהו היא נדבה – האומר “הרי זו עולה”. ומה בין נדרים לנדבות? נדרים, מתו או נגנבו או אבדו – חייב באחריותן, נדבות, מתו או נגנבו או אבדו – אינו חייב באחריותן.

**We learned in a mishna there: Which is the case of a vow offering? It is one who says: It is incumbent upon me to bring a burnt-offering. Which is the case of a gift offering?<sup>H</sup> It is one who says: This animal is a burnt-offering. And what is the difference between a vow offering and a gift offering?** With regard to **vow offerings**, if the animals **died or were stolen or were lost**, the one who vowed is **obligated in the responsibility to replace them**, as he undertook to bring a burnt-offering and he is not absolved of his obligation until he brings the offering. With regard to **gift offerings**, however, if the animals **died or were stolen or were lost**, the one who vowed is **not obligated in the responsibility to replace them**.

מנהי מילי? דתנו רבנן: “ונרצה לו לכפר עליו” רבי שמעון אומר: את שיעליו חייב באחריותו, ואת שאינו עליו אינו חייב באחריותו.

The Gemara asks: **From where are these matters derived?** The Gemara answers: It is as **the Sages taught** in a *baraita* with regard to a burnt-offering, that the verse states: **“And it shall be accepted for him to make atonement upon him”** (Leviticus 1:4).<sup>N</sup> **Rabbi Shimon says: That which is incumbent upon him**, i.e., which he accepted as a personal obligation, **he does not bear responsibility to replace it** if it died or was stolen; **however, that which is not incumbent upon him**, i.e., that which he did not accept as a personal obligation but which he designated as an offering, **he does not bear responsibility to replace it**.

מאי משמע? אמר רבי יצחק בר אבדימי: כיון דאמר “עלי” – כמאן דטעין אבתיה דמי.

The Gemara asks: **From where may that conclusion be inferred** from the verse? **Rabbi Yitzhak bar Avdimi said: Since he said it is incumbent upon me to bring a burnt-offering**, he is **considered as one who bears it upon his shoulders**. The expression: Upon me, indicates an assumption of responsibility to bring an offering.

NOTES

**Aren’t people not particular** – הא לא קפדי אינשי – Ostensibly, benefit is limited to situations where, due to friendship, one allows a friend to use his property; he would not allow just anyone to do so. However, stepping foot on one’s property, with regard to which people are typically not particular, might not constitute benefit (Rid).

**Overlooking is prohibited** – ויתור אסור – Standard cases where people typically overlook benefit accrued by others are when the weight of produce on the scales is slightly more than the amount for which a customer paid, or allowing the customer to keep a *peruta* of change (Meiri).

The difference between vow offerings and gift offerings is only – אין בין נדרים לנדבות אלא – See *Tosafot*, who question why the mishna does not mention other differences between a vow

offering and a gift offering. *Tosafot* in tractate *Bava Kamma* (62b) cite additional answers. One is that the mishna is referring to a bird brought as a burnt-offering, with regard to which there are no other differences between the two. A second answer is given according to the Rashba, who explains that despite the formulation: The difference is only, the mishna does not presume to define all of the differences between the items compared. Rather, the comparison is concerning the specific issue of responsibility. That approach solves several comments of later authorities, who noted additional differences.

**To make atonement upon him** – לכפר עליו – Apparently, this is derived from the meaning of the term: Upon him, which is an expression of personal responsibility. The Ritva explains that it is derived from the fact that the term: Upon him, is superfluous in this context.

NOTES

Emissions of the zav – ראיית הזב: The emissions of the zav are incidents in which he experienced a discharge, whether on consecutive days, or several times in one day. This is not true regarding a zava, where the number of emissions is dependent on the number of days in which there is a blood flow and not the number of times that there is a flow.

The difference between a zav...is only – אין בין זב... – אלא: In the Jerusalem Talmud it is noted that there are additional differences between a zav who experienced two emissions and one who experienced three emissions. A zav who experienced two emissions, unlike one who experienced three emissions, must ascertain whether it was caused by outside circumstances beyond his control. The answer there is that the mishna follows the opinion of Rabbi Eliezer, who requires examination for one who experienced three emissions. See the Jerusalem Talmud for an additional answer that resolves the question according to all opinions.

According to the Rashba this is not difficult, as the mishna here is discussing the difference between the zav who experienced two emissions and one who experienced three; it is not defining what is considered an emission (see Hagahot Porat Yosef).

From his emission, some with the status of a zav – מוזבו מקצת זבין: This is derived from understanding the letter mem in the word mizovo as meaning from, i.e., limiting the scope of the halakha. Therefore, there are certain cases where a zav requires atonement and cases where he does not.

HALAKHA

Emissions – ראיית: The status of one who experiences one emission of a zav is that of one who experienced a seminal emission. If one experiences two emissions, he is a zav, and must count seven days clean of emissions, and immerse in spring water to become pure. If one experiences three emissions, he is obligated to bring an offering in order to complete his purification. The difference between a zav who experiences two emissions and one who experiences three emissions is only that the zav who experiences three emissions is obligated to bring an offering (Rambam Sefer Korbanot, Hilkhot Mehusei Kappara 2:6).

BACKGROUND

Discharge – זוב: The discharge of a zav is apparently the discharge of the modern-day condition of gonorrhea. After one contracts the disease, pus begins to discharge from his sexual organ, followed by a discharge of mucous. In the Tosefta and the Gemara, the differences between a seminal emission and the emission of a zav are delineated.

The severe impurity of the zav and his exacting purification process are detailed in the Torah (Leviticus 15:1–15) and in the Mishna (tractate Zavim). Although a woman can also contract this disease, a fact acknowledged in the Talmud, only a male becomes impure with the symptoms of a zav. A woman becomes impure with the impurity of a zava by experiencing a flow of blood not during her menstrual period.

מתני' אין בין זב הרואה שלש ראיית לרואה שלש אלא קרבן.

גמ' הא לענין משכב ומושב וספירת שבועה זה וזה שוין.

מנהגו מילי? דתנו רבנן: רבי סימאי אומר: מנהג התוב שתיים וקראו טמא, שלש וקראו טמא. הא כיצד? שתיים לטומאה, ושלוש לקרבן.

ואימר: שתיים לטומאה ולא לקרבן, שלש לקרבן ולא לטומאה! אמרת: עד שלא ראה שלש ראה שתיים.

ואימר: שתיים לקרבן ולא לטומאה, שלש אף לטומאה! לא סלקא דעתך, דתנא: "וכפר עליו הכהן לפני ה' מוזבו" – מקצת זבין מביאין קרבן ומקצת זבין אין מביאין קרבן. הא כיצד? ראה שלש – מביא, שתיים – אינו מביא.

ואינו אלא: ראה שתיים – מביא, ראה שלש – אינו מביא? אמרת: עד שלא ראה שלש ראה שתיים.

ואיצטרך דרבי סימאי, ואיצטרך "מוזבו". דאי מדרבי סימאי – הוה אמיןא כי קושטין קמשמע לן "מוזבו". ואי "מוזבו" – לא ידענא כמה ראיית, קמשמע לן דרבי סימאי.

**MISHNA** The difference between a zav who experiences two emissions<sup>NH</sup> of a pus-like discharge from his penis and one who experiences three emissions is only<sup>N</sup> that the zav who experienced three emissions is obligated to bring an offering after he recovers, in order to complete his purification process.<sup>B</sup>

**GEMARA** The Gemara infers that with regard to the matter of transmitting ritual impurity to a surface designated for lying and a surface designated for sitting, and similarly with regard to the counting of seven days clean of emissions so that he may immerse in a ritual bath as part of the purification process, both this, i.e., one who experienced two emissions, and that, one who experienced three emissions, are equal.

The Gemara asks: From where are these matters derived? The Gemara answers: It is as the Sages taught in a baraita that Rabbi Simai says: The verse enumerated two emissions: "When any man has an emission out of his flesh, due to his emission he is impure" (Leviticus 15:2), and it called the zav impure. Another verse enumerated three emissions: "And this shall be his impurity in his emission: Whether his flesh runs with his emission, or his flesh be stopped from his emission, it is his impurity" (Leviticus 15:3), and it too called him impure. How so? If he is impure after two emissions, for what purpose does the Torah mention three? It is to teach: Two emissions to establish impurity and three to render him liable to bring an offering.

The Gemara raises an alternative. And say instead: Two emissions to establish impurity but not to render him liable to bring an offering; three emissions to render him liable to bring an offering, but not to establish impurity. The Gemara rejects this: That is impossible, as you can say that until he experienced three emissions, he already experienced two, and therefore he is impure in the case of three emissions as well.

The Gemara raises a different alternative. And say instead: Two emissions to render him liable to bring an offering, but not to establish impurity; three emissions to establish impurity as well. The Gemara answers that this suggestion cannot enter your mind, as it is taught in a baraita that the verse states: "And the priest shall make atonement for him before the Lord from his emission" (Leviticus 15:15). The preposition "from" that precedes the words "his emissions" indicates that some with the status of a zav<sup>N</sup> bring an offering and some with the status of a zav do not bring an offering. How so? If he experienced three emissions, he brings an offering; if he experienced two emissions, he does not bring an offering.

The baraita suggests: Or perhaps, it means nothing other than that if one experienced two emissions, he brings an offering; if he experienced three emissions, he does not bring an offering. The Gemara rejects this: That is impossible, as you can say that until he experienced three emissions, he already experienced two, and therefore he is obligated to bring an offering in the case of three emissions as well.

The Gemara comments: It was necessary to cite the proof of Rabbi Simai based on the number of mentions of the word emissions in the two verses, and it was necessary to cite the proof from the words: From his emission. As if the difference between two and three emissions was derived from the statement of Rabbi Simai, I would have said in accordance with our question: Perhaps one who experiences two emissions brings an offering, and one who experiences three emissions is impure and brings an offering. Therefore, it teaches us: From his emission. And if the difference between two and three emissions was derived from the term: From his emission, I would not have known how many emissions render him liable to bring an offering, only that some with the status of a zav are not required to bring an offering. Therefore, it teaches us the proof cited by Rabbi Simai.

והשתא דאמרת: "מזובו" לדרשא, וכי יטהר הזב מזובו מאי דרשת ביה?

ההוא מיבעי ליה לכדתנא: וכי יטהר הזב - לכשיפסוק, "מזובו" [מזובו] ולא מזובו ונגעו. "מזובו וספר" - לימד על זב בעל שתי ראיות שטעון ספירת שבועה.

והלא דין הוא: אם מטמא משכב ומושב - לא יהא טעון ספירת שבועה!?

The Gemara asks: **And now that you said that the term: From his emission, is exclusionary and comes for derivation, what do you derive from the verse: "And when the zav is cleansed from his emission" (Leviticus 15:13)?**

The Gemara answers: **That verse is needed to derive that which was taught in a baraita. It is written: "And when the zav is cleansed from his emission, then he shall count to himself seven days for his purification" (Leviticus 15:13), when his emissions cease. The baraita infers from the term: From his emission, that he needs to be cleansed only from his emission, but not from his emission and his leprosy. If one was both a zav and also had leprosy, he need not wait until he is asymptomatic of his leprosy before counting seven clean days. Rather, he counts seven clean days, and after the leprosy symptoms cease, he immerses for both impurities. "From his emission, then he shall count": This teaches concerning a zav who experienced two emissions, that he too requires a count of seven clean days.**

The baraita continues: **But in order to derive that halakha, the verse is unnecessary, as isn't it only logical? If a zav who experienced two emissions renders a surface designated for lying and a surface designated for sitting ritually impure and all strictures of a zav apply to him, wouldn't he require a count of seven clean days to become purified?**

## Perek I

### Daf 8 Amud b

"שומרת יום כנגד יום" תוכיח, שמשמאה משכב ומושב ואינה טעונה ספירת שבועה.

ואף אתה אל תתמה על זה, שאף על פי שמשמאה משכב ומושב לא יהא טעון ספירת שבועה, תלמוד לומר: "מזובו וספר" - מקצת זובו וספר, לימד על זב בעל שתי ראיות שטעון ספירת שבועה.

אמר ליה רב פפא לאבאי: מאי שנא האי "מזובו" דמרבי ביה זב בעל שתי ראיות, ומאי שנא האי "מזובו" דממעט ביה זב בעל שתי ראיות?

אמר ליה: אי סלקא דעתך האי למעוטי הוא דאתא - לישתוק קרא מיניה. וכי תימא: אתיא מדינא - שומרת יום כנגד יום תוכיח.

A woman who observes a clean day for one day or two days that she experiences a discharge will prove that this is not the case.<sup>14</sup> This refers to a woman who experienced one or two days of bleeding not during her menstrual period and is required to wait one day without any further discharge of blood before immersion in a ritual bath. This is significant because she renders a surface designated for lying and a surface designated for sitting ritually impure, and nevertheless she does not require a count of seven clean days to become purified.

And you too should not then be surprised that this zav, although he renders a surface designated for lying and a surface designated for sitting ritually impure, he does not require a count of seven clean days to become purified. Therefore, the verse states: "From his emission, then he shall count," meaning that even a partial zav is obligated in the mitzva of: **Then he shall count. This teaches concerning a zav who experienced two emissions, that he too requires a count of seven clean days.**

Rav Pappa said to Abaye: **What is different about this verse that states: "From his emission," which is interpreted to include a zav who experienced two emissions in the obligation to count seven clean days; and what is different about that verse that states: "From his emission," which is interpreted to exclude<sup>n</sup> a zav who experienced two emissions from the obligation to bring an offering? Why is the identical term interpreted once as inclusionary and once as exclusionary?**

Abaye said to him: **If it enters your mind to say that this instance of the term: "From his emission," comes to exclude a zav who experienced two emissions from the obligation to count seven clean days, let the verse remain silent and omit the term, as there would have been no basis to include a zav who experienced two emissions in that halakha. And if you would say that this can be inferred logically, a woman who observes a day for a day will prove that there is no correlation between ritual impurity transmitted to a surface designated for lying and a surface designated for sitting, and the obligation to count seven clean days.**

## HALAKHA

A woman who observes a clean day for one day or two days that she experiences a discharge – שומרת יום כנגד יום: A lesser zava, who observes a clean day for one or two days of discharge, also renders vessels impure through contact, and transmits ritual impurity to a surface designated for lying and a surface designated for sitting, rendering them a primary source of ritual impurity (Rambam *Sefer Tahara, Hilkhoh Metamei Mishkav UMoshav* 1:1–2).

## NOTES

What is different about this verse...which is interpreted to include...and what is different about that verse...which is interpreted to exclude – מאי שנא האי...דמרבי...ומאי שנא האי...דממעט: This does not mean that the term: From his emission, could be understood inclusively or exclusively, as in both possibilities suggested by the Gemara it is exclusionary. According to one possibility, it comes to exclude a zav. According to the other possibility, it comes to minimize the number of emissions required, thereby increasing the number of those who enter under the rubric of zav.

A quarantined and a confirmed leper – מצורע מוסגר ומוחלט: The *halakhot* of a quarantined leper and a confirmed leper are equal with regard to their impurity; however, the quarantined leper is not obligated to let his hair grow wild and to rend his garments. The only difference between the purification process of a quarantined leper and that of a confirmed leper is that the confirmed leper must shave the hair on his entire body and bring the birds (Rambam *Sefer Tahara, Hilkhot Tumat Tzara'at* 10:10).

וכי תימא: האי מיבעי ליה "מזובו" ולא מנגעו – אם גן לכתוב קרא "וכי יטהר הזב" ולישתוק, "מזובו" למה לי? לימוד על זב בעל שתי ראיות שטעון ספירת שבועה.

And if you would say that this term: From his emission, is needed to derive a different exclusion, i.e., that he counts seven days when he is clean from his emission and not from his leprosy and therefore it was necessary to write this term, that is not so. As if it were so, then let the verse write: "And when the zav is cleansed" and let the verse remain silent and omit the term, and it would have been clear that even one afflicted with leprosy counts seven clean days once he is cleansed from his emission. Why then do I need the term: From his emission? Rather, it must be understood as an inclusionary term that teaches concerning a zav who experienced two emissions, that he too requires a count of seven clean days.

מתני' אין בין מצורע מוסגר למצורע מוחלט אלא פריעה ופרימה.

**MISHNA** The difference between a quarantined leper, i.e., one examined by a priest who found his symptoms to be inconclusive, and who must therefore remain in isolation for a period of up to two weeks waiting to see if conclusive symptoms develop; and a confirmed leper,<sup>HN</sup> i.e., one whose symptoms were conclusive and the priest declared him an absolute leper, is only with regard to letting the hair on one's head grow wild and rending one's garments. A confirmed leper is obligated to let the hair on his head grow wild and rend his garments; a quarantined leper is not.<sup>N</sup>

אין בין טהור מתוך הסגר לטהור מתוך החלט אלא תגלחת וצפרים:

The difference between a leper purified from quarantine, whose symptoms never became conclusive, and a leper purified from a state of confirmed leprosy is only with regard to shaving the hair on all his body and bringing birds as a purification offering, which are obligations incumbent only upon the confirmed leper.

גמ' הא לענין שילוח [וטומאה] – זה וזה שוין.

**GEMARA** The Gemara infers that with regard to the matter of expulsion, from all three camps in the encampment of the Israelites in the desert and from the walled cities in Eretz Yisrael, and the ritual impurity of a leper: Both this, the quarantined leper, and that, the confirmed leper, are equal.<sup>N</sup>

מנהני מילי? דתני רב שמואל בר יצחק קמיה דרב הונא: "וטהרו הכהן מספחת היא וכבס בגדיו וטהר" – טהור מפריעה ופרימה דמעיקרא.

The Gemara asks: From where are these matters derived? The Gemara answers: It is as Rav Shmuel bar Yitzhak taught in a *baraita* before Rav Huna. It is written with regard to a leper who was purified from quarantine: "The priest shall pronounce him clean: It is but a scab, and he shall wash his clothes and be purified [*vetaher*]" (Leviticus 13:6). The word *vetaher* is not in the future tense, which would indicate that from that point he is purified; it is rather in the present tense, indicating that at the outset, even before the priest's pronouncement, he was pure<sup>N</sup> in the sense that he was exempt from the initial obligation of letting the hair on his head grow wild and rending his garments, as those obligations are incumbent exclusively upon the confirmed leper.

NOTES

A quarantined and a confirmed leper – מצורע מוסגר ומוחלט: There are additional differences between these two statuses of leper that are not mentioned in the mishna, but are suggested elsewhere. Here too, the opinion of the Rashba and Ritva that despite the phrasing of the mishna, it does not presume to enumerate all of the differences between the categories in question, applies.

The *halakhot* of the leper – דיני מצורע: The *halakhot* of the leper are detailed in the Torah (Leviticus, chapters 13–14) and the Mishna in tractate *Nega'im*. Essentially, one who detects a leprosy lesion on his skin goes to a priest, who quarantines him for seven days. If the lesion has grown darker, he is pure, and if it has not, he is quarantined for an additional seven days. If the lesion did not grow, he is pure. If it spread, he is a confirmed leper.

The impurity of the leper is a severe impurity. Not only is it prohibited for him to enter places that are sacred, it is also prohibited for him to enter walled cities, and he must remain outside the three camps. He renders items ritually impure through contact and through lifting, and he renders impure the contents of a house that he enters. When the lesion heals, the leper brings two birds, a cedar branch, and a hyssop, and they slaughter one of the

birds and sprinkle its blood. Then the leper shaves all the hair on his body and on the eighth day, he brings a special purification offering.

With regard to the matter of expulsion... both this and that are equal – לענין שילוח... זה וזה שוין: The Meiri asks: If that is the case, what is the meaning of the term: Quarantined? If it is meant literally, the understanding would be that he must be quarantined in a specific place. The explanation is that perhaps the quarantined leper is required to remain quarantined in a house outside the three camps. The *ge'onim* explain that the term *musgar* does not mean quarantined; it means that they would frame the lesion with paint, in order to ascertain at the end of the week whether or not it had spread.

At the outset he was pure – טהור מעיקרא: Rashi explains that this is derived from the term *veyit'har*, which is descriptive: After he immerses and washes his clothes, he is pure. In contrast, the term *vetaher* is present perfect, meaning that he remains pure. However, the Rid disagrees, and explains that *vetaher* means from this point forward. Therefore, it would mean that he is completely pure in the sense that he had never been impure at all.

Now pure from rendering earthenware vessels impure through movement – טָהוֹר הַשְּׂתָא מִלְטַמָּא כְּלֵי חָרָס בְּהִיטָט – The Rambam rules in accordance with this opinion, meaning that after immersion the *zav* will render impurity retroactively if he again sees an emission on that day. However, the immersion is effective, as it prevents the *zav* from rendering earthenware vessels impure through movement retroactively. Since that form of impurity is unique to the *zav* and is alluded to in the previous verse, it is specifically from that impurity that he is purified. Some question why the Rambam does not issue a similar ruling with regard to the impurity caused to the contents of a house that the leper enters, as that is also impurity unique to the leper (*Rishon LeTziyyon*).

## HALAKHA

Now pure from rendering earthenware vessels impure through movement – טָהוֹר הַשְּׂתָא מִלְטַמָּא כְּלֵי חָרָס בְּהִיטָט – Once a *zav* and a *zava* immerse on the seventh day of their impurity, they no longer render earthenware vessels impure through movement. Even if they experienced an additional emission, they render impurity retroactively only to a surface designated for lying and a surface designated for sitting (Rambam *Sefer Tahara, Hilkhos Metamei Mishkav UMoshav* 5:9).

אָמַר לִיהוֹ רַבָּא: אֲלָא מֵעַתָּה, גְּבִי זָב דְּכַתִּיב: "וְכַבֵּס בְּגָדָיו וְטָהַר" הֲתָם מַאי וְטָהַר מֵעִיקְרָא אִיכָּא?

Rava said to him: However, if that is so, i.e., that *vetaher* means that one is somewhat pure at the outset, then with regard to a *zav*, as it is written: "And he shall wash his clothes, and bathe his flesh in running water, and he shall be clean [*vetaher*]" (Leviticus 15:13), there, what sense of: And he shall be clean, at the outset is there in that case? Up until that point, the *zav* was ritually impure in every sense.

אֲלָא: טָהוֹר הַשְּׂתָא מִלְטַמָּא כְּלֵי חָרָס בְּהִיטָט, אִף עַל גַּב דְּהָדַר חָזִי לָא מְטַמָּא לְמַפְרַע –

Rather, *vetaher* means that he is now pure from rendering earthenware vessels impure through movement.<sup>NH</sup> There is a *halakha* that a *zav* renders a vessel impure if he causes it to be moved, even though he did not come into direct contact with it, even if the opening of the vessel is smaller than a fingerbreadth. The verse teaches that once the *zav* is purified through counting and immersion, he no longer renders vessels impure in that manner. The novelty here is that even if he then experiences another emission, he does not render the vessels impure retroactively. This emission is unrelated to the previous emissions. Therefore, upon experiencing the emission, the *zav* is not retroactively considered to have been ritually impure the entire time, even after immersion. Rather, since he counted seven clean days and immersed, the legal status of this latest emission is that of a new emission.

הֲכָא נִמְי טָהוֹר [הַשְּׂתָא מִלְטַמָּא בְּבִיָּאָה לְמַפְרַע]!

Here too, with regard to the leper, *vetaher* means that the quarantined leper is now pure from retroactively rendering the contents of a house impure by his entrance into the house. If someone with inconclusive symptoms of leprosy was quarantined and then declared ritually pure, and subsequently conclusive symptoms of leprosy developed, he is not considered to have been a leper from the time of the original quarantine, in which case the contents of any house he entered from that point would be rendered impure retroactively. Rather, once he was purified, he was absolutely pure. These subsequent conclusive symptoms are unrelated to the previous inconclusive symptoms. Therefore, the proof adduced by Rav Shmuel bar Yitzhak is no proof.

אֲלָא אָמַר רַבָּא, מֵהֲכָא: "וְהִצְרִיעַ אִשָּׁר בּוֹ הַנֶּגַע" – מִי שֶׁצָּרְעָתוֹ תְּלוּיָהּ בְּגוּפוֹ, יֵצֵא זֶה שָׂאִין צָרְעָתוֹ תְּלוּיָהּ בְּגוּפוֹ אֲלָא בְּיָמָיו.

Rather, Rava said that the *halakha* that a quarantined leper is exempt from the obligation to let his hair grow and to rend his clothing is derived from here. It is written: "And the leper in whom [*bo*] the plague is, his clothes shall be rent, and the hair of his head shall grow wild" (Leviticus 13:45), indicating that only one whose leprosy is dependent on the state of his body, in whom the plague is, is obligated to let his hair grow wild and to rend his garments. This excludes that leper whose leprosy is not dependent solely on the state of his body, but rather on the passage of days, as he is obligated to wait seven days.

אָמַר לִיהוֹ אַבְיִי: אֲלָא מֵעַתָּה "כָּל יְמֵי אִשָּׁר הַנֶּגַע בּוֹ יִטְמָא" מִי שֶׁצָּרְעָתוֹ תְּלוּיָהּ בְּגוּפוֹ הוּא דְּטָעוֹן שְׂלִילוֹת, וְשָׂאִין צָרְעָתוֹ תְּלוּיָהּ בְּגוּפוֹ – אִין טָעוֹן שְׂלִילוֹת.

Abaye said to him: However, if that is so, then also with regard to the verse: "All the days during which the plague shall be in him [*bo*] he shall be impure" (Leviticus 13:46), say one whose leprosy is dependent on the state of his body requires expulsion from the camp, and one whose leprosy is not dependent solely on the state of his body, but rather on the passage of days, does not require expulsion.

זְכִי תִמְאָ: הֲכִי נִמְי – וְהָא קְתַנִּי: אִין בֵּין מְצוּרַע מוֹסְגָר לְמְצוּרַע מוֹחֵלֵט אֲלָא פְרִיעָה וּפְרִימָה, הָא לְעִנְן שְׂלִילוֹת וְלִטְמוּיִי בְּבִיָּאָה – זֶה וְזֶה שְׂוִין!

And if you would say: Indeed that is so, but isn't it taught in the mishna: The difference between a quarantined leper and a confirmed leper is only with regard to letting the hair on one's head grow wild and rending one's garments? And it is inferred that with regard to the matter of expulsion and the capacity of a leper to render impure the contents of a house by entry into the house, both this, the quarantined leper, and that, the confirmed leper, are equal.

אָמַר לִיהוֹ: "יָמֵי" "כָּל יְמֵי" – לְרִבּוּת מְצוּרַע מוֹסְגָר לְשְׂלִילוֹת.

Rava said to him: There is a different source for the obligation to expel the quarantined leper from the camp. The verse could have stated: The days during which the plague shall be upon him. Instead the verse states: All the days, to include a quarantined leper in the obligation of expulsion from the camp, like a confirmed leper.

NOTES

One whose leprosy is dependent on healing – מי – שְׁצַרְעָתוֹ תְלוּיָהּ בְּרְפוּאוֹתָא: In the Jerusalem Talmud, this is derived from the language of the verse: "This shall be the law of the leper on the day of his purity" (Leviticus 14:2). The obligation to bring an offering is incumbent upon a leper who is purified in one day, one who is healed of his leprosy. A quarantined leper must wait seven days, even if the lesion heals before the conclusion of that period.

The difference between Torah scrolls and phylacteries and mezuzot – בין ספרים לתפילין ומזוזות: The later authorities (Rishon LeTziyyon and others) comment that there are many additional differences between the halakhot of phylacteries and the halakhot of a Torah scroll. The Rashba and Ritva explain that despite the phrasing of the mishna, it does not presume to enumerate all of the differences between the categories in question (Rabbeinu Yehonatan; Meiri).

HALAKHA

Phylacteries and mezuzot – תפילין ומזוזות: Phylacteries and mezuzot may be written only in Ashurit (Rambam Sefer Ahava, Hilkhot Tefillin 1:19).

A Hebrew verse in the Bible that one wrote in Aramaic translation – מקרא שכתבו תרגום: The scroll on which an Aramaic verse is written in Hebrew, or a Hebrew verse is written in Aramaic, or a verse is written in the ancient Hebrew script, does not render the hands impure. It does so only if the scrolls are written in Ashurit, on parchment, with ink (Rambam Sefer Tahara, Hilkhot Avot HaTumot 9:7).

אי הכי תגלחת וצפרים מאי טעמא לא? דקתני: אין בין טהור מתוך הסגר לטהור מתוך החלט אלא תגלחת וצפרים!

The Gemara asks: **If that is so, what is the reason** that a quarantined leper is **not** obligated in **shaving** the hair on all his body and **bringing birds** as a purification offering as part of his purification process? **As it teaches** in the mishna: **The difference between a leper purified from quarantine**, whose symptoms never became conclusive, **and a leper purified from a state of confirmed leprosy**, is **only** with regard to **shaving** the hair on all his body and **bringing birds** as a purification offering.

אמר אביי, אמר קרא: ויצא הכהן אל מחוץ למחנה והנה נרפא נגע הצרעת מי שצערעתו תלויה ברפואות, יצא זה שאין צערעתו תלויה ברפואות אלא בימים.

Abaye said that the verse states: "And the priest shall go out of the camp, and the priest shall look, and behold, if the plague of leprosy is healed in the leper" (Leviticus 14:3), then the purification process that includes shaving and bringing birds commences. This indicates that these halakhot apply to a confirmed leper whose leprosy is dependent on healing,<sup>n</sup> to exclude that leper whose leprosy is not dependent solely on healing but rather on the passage of days. Even if his symptoms are healed, he is pure only at the conclusion of the seven days of quarantine.

מתני' אין בין ספרים לתפילין ומזוזות אלא שהספרים נכתבין בכל לשון, ותפילין ומזוזות אינן נכתבות אלא בשורית.

**MISHNA** The difference between Torah scrolls, and phylacteries and mezuzot,<sup>nH</sup> in terms of the manner in which they are written, is only that Torah scrolls are written in any language, whereas phylacteries and mezuzot are written only in Ashurit,<sup>B</sup> i.e., in Hebrew and using the Hebrew script.

רבן שמעון בן גמליאל אומר: אף בספרים לא התירו שיכתבו אלא יוניתי.

Rabban Shimon ben Gamliel says: Even with regard to Torah scrolls, the Sages permitted them to be written only in Greek. Torah scrolls written in any other language do not have the sanctity of a Torah scroll.

גמ' הא לתופרן בגידין ולטמא את הידים – זה וזה שוין.

**GEMARA** The Gemara infers that with regard to the matter of stitching the sheets of parchment with sinews, and with regard to rendering the hands of one who touches them impure, both this, Torah scrolls, and that, phylacteries and mezuzot, are equal. The Sages issued a decree rendering the hands of one who touches sacred scrolls impure with second-degree ritual impurity.

"וספרים נכתבין בכל לשון" וכו': ורמינהו: מקרא שכתבו תרגום, ותרגום שכתבו מקרא, וכתב עברי – אינו מטמא את הידים, עד שיכתבנו בכתב אשורית, על הספר, ובדיו!

The mishna stated: Torah scrolls are written in any language. And the Gemara raises a contradiction from a baraita: A Torah scroll containing a Hebrew verse in the Bible that one wrote in Aramaic translation,<sup>H</sup> or a verse written in Aramaic translation that one wrote in the Hebrew of the Bible, or either that was written in the ancient Hebrew script and not in Ashurit, renders the hands impure only if one writes it in Ashurit script, on a parchment scroll, and in ink. Apparently, contrary to the mishna, a scroll written in a language other than Hebrew is not sacred.

אמר רבא: לא קשיא:

Rava said: This is not difficult.

BACKGROUND

Ashurit – אשורית: The Hebrew script currently in use is called by the Sages: Ashurit, in contrast to the ancient Hebrew script [Ivrit] used by the Samaritans. The Sages disagreed as to why the script is called Ashurit. Some explained that it is because the Jews brought it with them when they returned from the Babylonian exile, which included Assyria. Others explain that it is from the word happiness [osher] or directness [yosher], meaning an esthetic, straightforward script. The ancient Hebrew script is still used by Samaritans today. The image depicts a street sign from Holon, Israel, which has a Samaritan community. The top line of the sign is written in Ashurit and the bottom line in Ivrit.



Street sign with ancient Hebrew script