



Chagigah Daf 23 is Dedicated

לרפ"ש אחינו בני ישראל

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ENGLISH TOPICS ON THE DAF

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Daf Hashovua Chagiga Daf 23

Vessels finished in purity need tevilah only for kodesh, not terumah. The Gemara discusses the exact case intended, concluding that chaverim fashioned it and we are concerned an am ha'aretz may have spit on it. These need tevilah but not ha'arev shemesh, and may be used even before nightfall. On the other hand, the next Gemara implies that if we know an am ha'aretz touched it, ha'arev shemesh is required.

What are the guidelines here – both cases are Rabbinic enactments, so why should one require ha'arev shemesh and one not?

The Turei Even differentiates between Rabbinic tumos which apply also to chullin, and which do not. The Mishnah's case pertains only to kodesh, so they decreed a lesser form of tumah on it, without needing ha'arev shemesh. But the touch of an am ha'aretz renders even chullin impure, so it evokes a more stringent kind of tumah.

Another track is advanced by the Tiferes Yisroel (Parah 5:4 Boaz note 4). He establishes a rule that for concerns bordering on halachos dioraisa, Chazal decreed tumah even requiring ha'arev shemesh. But for dirabbonons, they did not. Since a chaver made this vessel it is pure, midioraisa. It is only

a Rabbinic concern that maybe an am ha'aretz issued fluid upon it (and it was still wet). Therefore, ha'arev shemesh is not required.

Yet another answer is found in the Tzla"ch in Beitzah (17b), that usually Rabbinic tumos do not need ha'arev shemesh. However, in instances where Chazal attached a title to it, like zav or midras (earlier, 18b), it would take on the laws of these tumos at the dioraisa level, including ha'arev shemesh. Amei ha'aretz are declared by Chazal to be treated as zavim, so they create tumah that needs ha'arev shemesh.

Finally, Mikdash Dovid suggests an interesting way of looking at this topic. After going to the mikvah, one has certainly achieved some level of purity. Even if he needs to still wait until the sun sets, the previous tumah has been reduced. Among the rules of tumah is that people can become tomei only to the level of a sheini l'tumah, and not a shlishi (applicable only to food and objects). Most Rabbinic tumos are classified as sheini, and after tevilah no more tumah remains – shlishi isn't possible for a person! An exception is amei ha'aretz, who they considered as zavim, which are av hatumah, and whose touch creates a rishon. After tevilah it would go down a notch to sheini, which still renders him tomei, until nightfall. That is why only the confirmed touch of an am ha'aretz invokes the need for ha'arev shemesh (Taharos siman 39). Vessels completed in purity are classified as a regular Rabbinic tumah.

Now, even with these explanations, a question still remains. If vessels need tevilah for kodesh, that means we are concerned they became tomei. If so, we should treat this as a possible tumah dioraisa, and be as stringent as if it became tomei midioraisa! The Turei Even asks this question; it should also need ha'arev shemesh?

He answers that the concern here is a rather farfetched one. Although chaverim made it – and they are always careful about purity – we are worried an am ha'aretz spit on it, and it was still wet when the vessel was completed. Needing so many conditions to be tomei, there is no real suspicion of tumah dioraisa. What is it? He quotes a Gemara (Yoma 30a)

that every Kohen entering the Beis Hamikdash to do avodah needs to first go to the mikvah. Even if he's tahor! The Gemara says it's to jog his memory so he will make totally sure he is in fact pure. So too here, writes the Turei Even. Chazal mandated tevilah for such items to remind them that they must ascertain the requisite level of purity for kodesh. It's not an actual concern, as we asked, but merely a reminder about tahara. That is why ha'arev shemesh is not necessary.

Birchas Tzvi, a commentary on the Turei Even, notes that previous question is based on the presumption that the tumah of an am ha'aretz is as a zav. Thus, any concern of his touch would make a tumah midioraisa. However, the Chazon Ish understood it differently. A real zav must toivel not just in a mikvah but in "mayim chayim" – natural spring water. Yet, the Gemara says an am ha'aretz may simply go to a regular mikvah and thereby become tahor!

It must be, states the Chazon Ish, that they didn't mean amei ha'aretz are exactly like zavim, but they are regarded as "zavim midirabbonon." Birchas Tzvi explains that Chazal wanted to strengthen adherence to hilchos tahara, and so enacted that all amei ha'aretz should be treated as zavim. It is not even a suspected dioraisa form of zav, but a stringency intended to bolster tahara (they would thus want to become chaverim). Therefore, they don't need mayim chayim, nor ha'arev shemesh, because they are not zavim midioraisa.