

חגיגה חזרה פרק ג

חומרות בקודש

קדש and תרומה by כלים inside other טובל כלים You can be גזרת כלי תוך כלי -חומרא א'.

- אילא says that the reason one can't be טובל כלים inside other כלים by קדש is because of חציצה due to the weight of the inner כלי on the outer כלי.
- רבא says that the reason one can't be טובל כלי בתוך כלי is a כשפופרת Meaning we are afraid you might be טובל in a כלי that doesn't have an opening of a הנוד which is the minimum amount the opening must be to be considered connected to the mikvah waters.
- The רבא and רב אילא נפקא מינה is a case where the outer כלי never has a narrow opening like a huge basket. (סל וגרותני).
- The רבא and רב אילא גמרא suggests between אבא and בריתא as a מחלוקת תנאים whether if you are טובל כלים in a סל וגרותני it works. אבא חכמים says it does and אבא חכמים says only for תרומה.
- However, the גמרא asks that if the reason for אבא רב אילא (חציצה) is really like רב אילא then it should apply to תרומה as well! The גמרא answers that the issue here is really for an עם הארץ since you don't need to make a גזרה for חבירים as they know the rules and will make sure it has a שפופרת הנוד, etc. However, an עם הארץ will see the חבירים doing it and be טובל incorrectly. By תרומה we don't care since we don't take תרומה from them anyway since there is no איבה since they can just give it to their עם הארץ friends. However, by קודש we need a גזרה since we do take קודש from them or there would be איבה. This is in accordance with ר' יוסי who held you can be מקבל עדות from an עם הארץ today because of איבה and they would go build their own בית המקדש instead of using the בית המקדש and burn their own חטאת. This by the way is the reason in all of shas and this פרק why we believe an עם הארץ by קדש.
- The גמרא asks why we aren't concerned if we allow כלי בתוך כלי for תרומה that a חבר will borrow a כלי from an עם הארץ and it will be טמא. After all, we know that a חבר would borrow a כלי from an עם הארץ because the משנה says the following:
 - אוכלין, משקין, וכלי חרס only protects the כלי חרס inside, whereas ב"ה holds it protects everything inside. ב"ש explains himself that it's a כלי טמא since we are talking about עם הארץ and a כלי טמא is not חוצץ. The only reason they said anything is טהור is because the things they allowed you don't borrow from them because you can't be מטהר them. However, the כלים themselves you do borrow.
 - ר' יהושע did not understand how ב"ש could say the outer כלי is טמא and anything inside is טהור. A תלמיד ב"ש explained to him that the things ב"ש allowed are things that the עם הארץ wouldn't have listened to you about, whereas other things he just needs to be טובל so if you told him its טמא he would listen. ר' יהושע felt bad about what he had said about ב"ש and went to the grave of ב"ש to ask forgiveness and fasted many fasts.
- The גמרא answers that a חבר is טובל the borrowed כלי before he uses it. The גמרא asks if so why didn't ב"ה just say that to ב"ש? It answers that you would need אפר פרה and people don't lend their stuff that long.

- The **גמרא** asks why we assume that an **הארץ עם** wouldn't be believed that he **תוהיל** something properly. After all, they are believed about **מת טומאת**.
- **אביי** says they are only believed about their bodies but not their **כלים**. However, **רבא** says they are believed even on **כלים** but only to say they weren't **טובל כלי** but not that they did do it and it had a **הנוד**.
- An **הארץ עם** is not believed to get a **הזאה** when he claims three or seven days already passed unless we saw them pass. However, this **חומרא** allows us to believe him when he says he **תוהיל** something.

רב אילא ורבא

- **רב אילא's** reasoning of **חציצה** is also the reason for not allowing a **בגד** to be **תוהיל** while knotted. The **משנה** had to write both cases since the case of the **בגד** does not have any weight issues like the previous case, and the case of the two **כלים** one might have though isn't an issue since you might think the water can make it in between the two vessels.
- Consequently, **רב אילא** holds there are only ten **מעלות** in our **משנה**, the first five of which are for **קדש** and **טהרת הקודש** and the last five are only for **קדש** since it doesn't have a **דורא דטומאה דאורייתא**.
- **רבא** is **לשיטתו** that said elsewhere that "a **סל** can have **כלים** **תוהיל** in it, and that the **סל** if put in a mikvah with only 40 **סאה** would divide it up and make it **פסול**."
- Consequently, he holds there are 11 **מעלות** in our **משנה**. The first 6 are for **קדש** and **חולין שנעשו על טהרת הקודש** and the last five are only for **קדש**.
- The **גמרא** clarifies that if the **כלי** you are being **טובל** is itself **טמא** then it doesn't even need to have an opening of **הנוד** since once the **טבילה** helps for the outer **כלי** it helps of the inner one as well.

חומרא ב' - The back of a cup and it's handle are considered separate כלים from the actual cup by תרומה only and not by קדש.

- If a **כלי** became **טמא** by having **משקין** inside it, the whole **כלי** is **טמא**. If it only had **משקין** on the outside, then the back is **טמא** but the inside, handle, and lip are **טהור**. This is true for **תרומה** but not for **קודש**. It is also not true for **טהרת הקודש**.

חומרא ג' - You can carry something that is טמא מדרס in one hand (like a shoe) and a jug with תרומה inside in the other but not קדש.

- You can't carry **מדרס** in one hand and **קודש** in the other because once someone was carrying wine of **קודש** and his shoe lace ripped and he put it on the jug and it fell in the jug and was **טמא** the jug. The reason this is not a problem by **תרומה** is because it is going like **בן עקיבא** who says we only make **גזרות** exactly mimicking the situation where the problem occurred.
- This is brought in the following **ברייתא**: there was story where someone was bringing **אפר חטאת** and **מי חטאת** in a boat across the **ירדן** and there was a **מת** at the bottom and the **אפר חטאת** was **נטמא**. There is a **מחלוקת תנאים** what the **גזרה** was. The **תנא קמא** says it includes anything that's like floating which means any boat or even riding an animal or a friend, as long as your legs are off the floor it's **אסור**. However, **בן עקיבא** says only the Jordan on a boat like the actual story.

- The גמרא asks if there is an איסור by a טהור sandal or a sealed jug and doesn't answer.
- It also asks what about בדיעבד if you violated the גזרה is the אפר still kosher and says ר' אילא says no good and ר' זירא says it is good.

חומרא ד' - The clothes of someone just eating תרומה are considered מדרס to someone who is eating קדש

חומרא ה' - By תרומה you can untie the knots after you are טובל a כלי but by קדש you must untie the knots prior to טבילה by קדש.

חומרא ו' - If you were careful with a כלי from the time it was completed, it does not need טבילה for תרומה but does need טבילה for קדש.

- The משנה said that בטהרה כלים הנגמרין need טבילה for קדש. The גמרא clarifies that this refers to the כלים of a חבר who may have had the spit of an הארץ go on the כלי before it was finished (at which time he wasn't being מקפיד to keep it טהור) and then it was still there and wet once he was finished.
- The גמרא is מדייק that our משנה sounds like once you are טובל the new כלי it is טהור right away without הערב שמש. The גמרא suggests that this is against ר"א in the following way:
 - ר"א says that when you cut a new pipe for אפר פרה it is considered טמא (since it is a new כלי like we mentioned earlier) and you must be טובל it and it is good immediately whereas ר' יהושע says you must really be מטמא it first. We know that we are trying to make a היכר for the צדוקים to show them that פרה אדומה is kosher with טובולי יום. So like ר' יהושע there is a היכר since you are מטמא it for real and use it as a טובולי יום. However, like ר"א, the whole טומאה is the גזרה of כלים חדשים and that is always good with טובולי יום. The גמרא answers that we still treat אדומה כלי differently in that we treat it as if it touched a מת seven days ago and had הזאה in regards to treating it as a הטומאה, so it should have needed הערב שמש.
 - The גמרא says that the חכמים didn't invent any new type of טומאה for their גזרות like putting מדרס on an axe, but a pipe could be something that is in it's seventh day of טהרה from מת טומאה.

חומרא ז' - There is צירוף כלי for קדש but not for תרומה. That meaning if two items are in one כלי and someone who is טמא touches one, the other is also with טמא just because it is in the same כלי.

- כף אחת עשרה זהב מלאה קטורת פסוק and learned from דאורייתא ר' חנין .
- The גמרא asks that this must be דרבנן since it was also said by אפר חטאת which is certainly דרבנן and the ברייתא says ר"ע הוסיף.
- The גמרא answers that only things that are דאורייתא are things that must be in a כלי, and the ברייתא is talking about the part of the מנחה that was eaten by the כהנים that didn't require a כלי.
- The גמרא then asks that this doesn't help for לבונה וקטורת which need a כלי. It then responds with a different answer that it is only דרבנן where it is put on a כלי with no lip.
- דרבנן צירוף כלי ר' חייא בר אבא disagrees with the above and says all צירוף כלי.

חומרא ח' - There is a קדש by רביעי and only a שלישי by טומאה.

- ר' יוסי tells how that we know a שלישי exits התורה מן: we know if from the fact that the Torah says that if meat touches something "טמא" (which includes a טומאה שני as we know from other פסוקים) it becomes טמא. A רביעי is learned from a חומר: if a מחוסר כיפורים is allowed is "פסול" by קדש but allowed with תרומה, then a שלישי which is פסול for תרומה certainly should make a רביעי. This obviously a case of דיו since we should only be able to say that a שלישי would certainly be פסול for קדש which is a שלישי but if we said that then the ק"ו would teach us nothing so we are able to use it.

חומרא ט' - If one's hand becomes טמא by תרומה, the other hand is טהור. By קדש they both become טמא.

- The גמרא says that רב שיזבי said that this halacha is only when one is still holding the קדש when one hand touched the other.
- The גמרא asks that we have a ברייתא that says that a dry hand is still מטמא the other hand to be מטמא the קדש. So if the גזרה was in all cases, then this is chiddush that even when dry we are מחמיר even though there is no possibility of טומאה if there is no משקין there. However, if this only applies while the hand is touching the קדש which means the issue is really that you might touch the קדש directly, what does that have to do with being dry or not? The opinion of רב שיזבי seems to be rejected.
- The original טמא hand can even be מטמא someone else's hand.
- Whether the hand is מטמא another hand to be קדש מטמא or just פוסל is a מחלוקת תנאים.
- Anything that מטמא ידים להיות שניות פוסל תרומה

חומרא י' - You can eat dry חולין foods with טמא hands and תרומה in your mouth but not קדש in your mouth.

- The משנה says you can eat dry קדש foods with טמא hands but not קדש. The גמרא asks that הקדש makes it that all foods are טומאה לקבל מוכשר so what's the chiddush that it's dry? The גמרא answers that it is referring to a case where someone put food in your mouth or you put it there with a toothpick and you put other food in your mouth at the same time. In that case the first food is dry so it can't affect the food to be מטמא the קדש, and the גזרה is only lest you come to touch the קדש directly

חומרא י"א - An מחוסר כיפורים need טבילה prior to eating קדש since until now they were not allowed to eat קדש.

נאמנות עמי הארץ

When:

- There is a חומרא by תרומה in that we don't generally trust עמי הארץ about תרומה except during the time of גיתות והבדים whereas we trust עמי הארץ in יהודה all year about קדש (if they produced their wines during the time of גיתות והבדים). Regarding תרומה, once the שעת (רש"י - גיתות) passes you can't trust them about a jug of תרומה but they can keep it for next year and once שעת גיתות ובדים comes again you can believe them again on that jug.

- עמי הארץ are believed about jugs of oil that are "מדומעות" during שעת הגיתות והבדים and 70 days prior when people start to be מטהר their כלים. We also learn from here that a sharecropper must come 70 days prior to שעת הגיתות והבדים to start working.
- The משנה said that ע"ה are believed during the שעת הגיתות והבדים. However, there is a ברייתא that says that an ע"ה who is finishing his olives (which is שעת הגיתות והבדים) must leave over one jug of olives for the עני to see that the ע"ה separated the תרומה when it was dry. We see that even at שעת הגיתות והבדים the ע"ה aren't believed!? The גמרא answers that the ברייתא was talking about olives that grew after שעת הגיתות והבדים known as אפלי.
- The משנה said that after שעת הגיתות והבדים the תרומה should not be accepted but the ע"ה can keep it for next year and then give it to the חבר. The גמרא asks what if the חבר took it, can he keep it himself for the following year?
- To answer this, the גמרא brings a ברייתא that says that if a חבר ועם הארץ inherit their father who was also an עם הארץ, the חבר can say you take these wheat kernels and I'll take those which he knows are טהור, but he can't say you take wheat and I'll take barley because he for sure inherited a portion of each item and it's considered עור לפני עור to be מכשיל his brother. When he gets his portion, he should just burn the parts he can't use. Now if he can just wait till שעת הגיתות, why doesn't he just wait till then? The גמרא answers that it is an item that has no set time when things are made like date beer, and it won't last till the רגל when all עמי הארץ are believed.
- עמי הארץ are believed during the רגל even for תרומה as it says ויאסף כל איש ישראל אל העיר כאיש אחד חבירים.
- משנה: If you open a jug during the רגל and עמי הארץ touch it יהודה ר' says that you can finish it after the רגל (due to שום תחילתן) but the חכמים disagree.
- The גמרא asks according to the חכמים if you can leave the same jug that people touched during the רגל for the next רגל? The גמרא doesn't have a proof.
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Where:

- The גמרא asks why we only trust עמי הארץ in יהודה? It answers that there is a strip of non-jewish land that separates יהודה and גליל so it will always be טמא once it crosses גליל to יהודה.
- The גמרא asks why you can't bring the קדש in a ומגדל and תיבה שידה and answers that is an אוהל זרוק which isn't considered an אוהל this is really a מחלוקת תנאים where רבי holds it's not an אוהל and ר' יהודה holds it is.
- The גמרא then suggests that why not put it in a צמיד פתיל. כלי חרס המוקף צמיד פתיל. The גמרא answers that it doesn't work for קדש. That which some were מטהר their wine and oil for the מזבח in גליל was because maybe אליהו will show them a strip of land to make it to יהודה while טהור.
- משנה: From the city מודיעין and inward toward ירושלים we believe the jug makers even if they are עמי הארץ since they didn't allow jug making in ירושלים since it made the walls black. So we believe עמי הארץ for 15 מיל from ירושלים. Even then we only believe that jug maker that we know came from מודיעין and inward, and only on his jugs, and only the people who saw the jug makers coming from the right place.
- The ברייתא says that מודיעין itself: if the קדר is leaving מודיעין to go further out and the חבר is entering מודיעין to continue to ירושלים, then the jug maker is believed since the buyer will not see the jug maker again so fast. However, if the jug maker and buyer are both leaving or coming

he is not believed in מודיעין since if they are coming in they can just wait till they come in and if they are both leaving we say if he didn't buy when he was inside we wont let him buy when he is leaving the city.

- The ברייתא says that the only time we believe עמי הארץ on jugs is on small jugs that one can't do without, but big jugs aren't as necessary and we aren't מקיל.
- ר"י adds that the jug must be small enough to carry in one hand and must be empty. ר"י disagrees and says even if you cant carry it in one hand and even if it is full with his own משקין the jug is considered טהור .
- רבא says that even יוחנן ר' agrees that the משקין are טמאין and only the jug is טהור. Don't be surprised by this since by a חרס כלי that was supposed to be הטומאה the liquids inside are טהור and the jugs inside are טמא.
- In ירושלים itself עמי הארץ are believed about jugs for קדש.

What:

- עמי הארץ is believed about קדש because of איבה.
- In fact, even by תרומה, if they mixed in a קדש של רביעית we would believe them because we trust them about קדש and therefore we believe them about the whole jug.
- The גמרא says that one can check a בית הפרס (field where which was plowed which had a grave) with blowing to see if there is an עצם כשעורה and side stepping it. However, one can only do this for eating a פסח קרבן which is a כרת חיוב but not for תרומה. The גמרא asks if once you checked for פסח if it counts for תרומה an proves from our משנה that it does since our משנה says that an עמי הארץ who is believed for קדש is also believe on תרומה and קדש mixed together. The reason those are similar is that the reason you are believed in our משנה is because it is demeaning to קדש to say it is טהור but the thing it mixed with is טמא. The same would apply by the same בית הפרס.
- There is a ברייתא that says that עמי הארץ are not believed on jugs and the תרומה. The גמרא asks what jugs we are referring to and answers empty jugs that were used for קדש and full jugs even during שעת הגיתות והבדים that were used for תרומה. The גמרא asks from here on our משנה that says jugs which are believed during שעת הגיתות והבדים?! The גמרא answers that it means that it is regular טבל which he intends to sperate off קדש from which has the middle state where he is believed during שעת הגיתות והבדים plus 70 days but not all year.

Tax Collectors and Burglar

- משנה: Tax collectors that went into a house and burglars who and returned their stolen items are believed to say what they didn't touch. רש"י adds that this is only true for קדש.
- The גמרא ask from a ברייתא that says that tax collectors make everything טמא. The גמרא answers that the ברייתא is talking about when a נכרי is with them and our משנה is not. The reason why having a נכרי is worse is because either they are afraid of him or afraid of the government. The נפקא מינה between those two is a weak or unimportant נכרי who you would not be personally afraid of but might still be afraid he would tell the king you didn't check everything.
- The משנה said the burglars are believed to say what they didn't touch. According to רש"י, it must have also been understood that they are believed about the items they returned. If so the

טמא asks that a ברייתא says they aren't believed as it says even where they stepped is טמא. The גמרא answers burglars who did teshuva are believed.

טהרת העזרה

- **משנה:** After the רגל they would have to be מטהר everything in the עזרה. However, if the רגל ended Thursday they wouldn't do anything Friday as they were busy for Shabbos. ר' יהודה says even if the רגל ended Wednesday they wouldn't be מטהר on Thursday (or Friday) as they were busy for Shabbos.
- The reason for ר' יהודה is that on Thursday they will be busy removing the mound of ashes on the מזבח and won't have time till Friday and Friday they are busy for Shabbos.
- **משנה:** There were three copies of all the כלים. The מזבחות didn't need טבילה because they were like קרקע. The חכמים say because they are מצופה.
- The מזבחות are considered קרקע as the מזבח הנחושת is called מזבח אדמה and the מזבחות are הוקש להדדי.
- The משנה said the מזבחות are טהור because they are מצופין. The גמרא asks that this is a reason to make them טמא!
- The גמרא gives two answers: 1) the חכמים disagree and hold that it is טמא because it is covered. 2) They agree that it is טהור but are saying that the reason to make it טמא is the covering but the covering is בטל to the שלחן.

המנורה והשלחן

- **משנה:** They were טובל everything but told people not to touch the שלחן.
- The גמרא brings a ברייתא that they told people not touch the שלחן and מנורה. The מחלוקת is because it only says תמיד by the שלחן (which means a תמיד which is 24/7 as opposed to מנורה which is not lit by day). However, it also says by the מנורה that it should be השלחן. נכח. Therefore, the מחלוקת is whether it means it must also always be there or it is just telling you where to put it.
- The גמרא ask that the שלחן shouldn't be able to be come טמא anyway since it is a כלי העשוי לנחת. The גמרא answers that they used to pick it up during the רגלים to show people it was still hot all week.
- The גמרא then asks on its question that it is העשוי לנחת since even if it is it should still be טמא because it is plated in gold which is מקבל טומאה. If you want to suggest that the wood here is חשוב and not בטל to the gold, that is a יוחנן ר"ל ור' יוחנן whether that matters (and ר' יוחנן who we pasken like says it doesn't matter). The גמרא also says that if you will say perhaps a עומד isn't מבטל the כלי, יוחנן ר' says about that too that it isn't true and whether it is עומד or not, or whether it covers the lip or not, it doesn't matter and the כלי is בטל to the ציפוי.
- The גמרא answers that the שלחן is called עץ so it isn't בטל to the ציפוי.
- That פסוק starts off calling it a מזבח and ends calling it a שלחן to tell you that when the מזבח is around it is מכפר on a person and when it is gone a person's table is מכפר on them through הכנסת אורחים.

פושעי ישראל even on ר"ל and according to ת"ח on שולט אור של גהינום isn't.