



Volume 12. Issue 72

Hechsher for an Eventual Av Ha'Tumah

With the final *perek* of *Uktzin* we revisit the laws of *hechsher* and *mechshava*. The *Rambam* notes that many of the laws of *hechsher* have been covered in *masechet Machshrin* (see also volume 6, issue 44). Similarly, we touched on the laws of *mechshava* in *masechet Taharot*. Nevertheless, we complete our study of these concepts in this *perek*.

In brief, for foodstuff to become susceptible to *tumah* it must be considered food. If something is not ordinarily eaten by humans (but edible) it would require *mechshava* (to be considered by the owner for consumption). Also, as we have learnt, for food to become *tameh*, it needs to come into contact with one of the seven liquids (in concert with the will of the owner). If however the food itself is a source of *tumah* that can make people or *keilim* *tameh* then it does not require *hechsher*. This is also the case even if “*sofo le'tameh tumah chamurah*”. In other words, even if it is not now an *av tumah*, but will/can be, then it does not require *hechsher*. One example of this is the *neveilat ohf tahor* that acts as an *av ha'tumah* only when it is in the throat of the person eating it (see volume 12, issue 44).

The second *Mishnah* discusses flesh that was cut from a person, animal or bird. The *Barterura* explains that these were severed while the person or creature was alive. Since only a severed limb would be a source of *tumah* and not flesh, the meat would require both *mechshava* and *hechsher* in order to become susceptible to *tumah*.

The *Gemara* (*Keritut* 21a) also sites this law and explains that it was cut for feeding other animals. If it was cut for human consumption, the very act of cutting would be equivalent to *mechshava*. The *Tosfot* (*Keritut* 21a) also adds the case where it was cut for medicinal purposes. They explain that the *Gemara* stressed where it was intended for animals to highlight the law that *mechshava* for animals is not equivalent to *mechshava* for human consumption.

The *Rambam* (*Tumat Ochlin* 3:9) however rules that if one cuts *basar* from an *adam chai* to feed to a dog, then subsequently considers it for human consumption, it requires *mechshava* but not *hechsher*. The *Raavad* argues that this goes against our *Mishnah* that rules that *hechsher* is also required.

While our version of the *Gemara* seems to be in concert with our *Mishnah* it appears that the *Rambam* had a text which read that *mechshava* is required but not *hechsher*. According to the *Kesef Mishnah* this appears to be a *Beraita* and he attempts to resolve the conflict.¹ He suggests that the *Beraita* is dealing with a case where the flesh was cut off by a person, while our *Mishnah* must be understood to mean that the meat was torn off, but not by a person and therefore requires *hechsher* and *mechshava*. What would be the basis for this distinction?

The *Aruch La'Ner* suggests that this relates to another debate between the *Raavad* and *Rambam*. We mentioned already that an object that is *sofo le'tameh tumah chamurah* does not require *hechsher*. The *Rambam* rules that if one cut meat from an *ever min ha'hachai* and then thought to consume it, it requires *hechsher*. This is because when it was severed it was not to be consumed and when it was, that piece was not *sofo le'tameh tumah chamurah*. If however he thought to eat it before cutting the meat then it would not require *hechsher* because at the time he thought to eat it, it is part of an *eiver min ha'chai* which is an *av ha'tumah*. The *Raavad* however disagrees arguing that even if the *mechshava* was before it was cut it still does require *hechsher* – it is not considered *sofo le'tameh tumah chamurah*.

The *Aruch La'Ner* therefore suggest that the two debates are related. The case in the *Gemara* is where the *mechshava* that it would be for animal food was while it was still attached. Since the person can become an *av ha'tumah*, even whilst alive (e.g. a *zav*) the *Rambam* would maintain that this is another case of *sofo le'tameh tumah chamurah*. Consequently, once it is cut, it requires *mechshava* for human consumption but not *hechsher* since the *Rambam* considered that previous “minor” *mechshava* for animal consumption while it was attached. According to the *Raavad* who does not consider there to be a difference when the intent is applied, it is not considered *sofo le'tameh tumah chamurah* and would require *hechsher* as well. If however the meat was separated, but not cut (as the *Kesef Mishnah* explains our *Mishnah*) then even the *Rambam* would agree that *hechsher* is required.

Yisrael Bankier

¹ The *Haghat U'tzionim* notes that that appears to be the version in the *ktav yad* and our version appears to have been corrected based on the comment of *Rashi* that cites our *Mishnah*. See the *Chazon Nahum* who questions that

there was a conflicting *Beraita* and ask, if there was, why the *Gemara* raised the *Beraita* in its discussion rather than our *Mishnah*.

Revision Questions

עוקצין בי: ג' – ג': ר'

- What is the law regarding a partially rotten pomegranate with respect to *tziruf*? (בי: ג')
- Which of the following is *mitztaref* to the *rimon: pitma* or *netz*? (בי: ג')
- What is the law regarding outer-shells of food? (בי: ד')
- According to *R' Yehuda* how many shells does an onion have? Explain. (בי: ד')
- What is the difference between food that was cut for cooking and food that was cut for preserving with respect to *chibur*? (בי: ה')
- Which of the previous two cases is cutting for the purpose of placing on the table similar to? (בי: ה')
- What is the law regarding strung onions? When does the law change? (בי: ה')
- For how long is the shell of an egg a *shomer*? (Provide two cases.) (בי: ו')
- For how long is a bone a *shomer* of the marrow? (בי: ו')
- What other case brought is similar to the previous two? (בי: ו')
- For which vegetables are the leaves not *mitztaref*? (בי: ז')
- Which two cases does *R' Elazar bar Tzadok* exclude? (בי: ז')
- What are the two cases where one must compress the food in order to measure it? (בי: ח')
- How should one measure meat that has swelled or shrunk? (בי: ח')
- Explain the debate regarding a cucumber that was planted in a pot and grew outside the pot. (בי: ט')
- What is the difference between produce that grew in a pot with a hole at its base and produce that grew in a pot that did not? (בי: י')
- How large must the hole be? (בי: י')
- Does the law change if the pot was made of mud? (בי: י')
- Which food requires *hechsher* but not *machshava*? (בי: יא')
- List some things that require both *machshava* and *hechsher*. (בי: יב')
- List the opinions regarding which wild vegetables do not require *machshava*. (בי: יג')
- Regarding the *neveilot* of which animal is there a difference between their location with respect to the requirement for *machshava*? (בי: יג')
- Which *neveilot* require *machshava* everywhere? (בי: יג')
- Which *neveilot* do not require *machshava* anywhere? (בי: יג')
- Which *neveilot* does *R' Shimon* add to those referred to in the previous question? (בי: יג')
- How can *shevet* lose its status and food and why is this important? (בי: יד')
- Which foods are not *metameh tumat ochlin* until they "sweeten"? (בי: יד')
- According to *R' Akiva*, what food is not *metameh tumat ochlin* but can be purchased with *ma'aser sheni* money? Who argues? (בי: ה')
- What other cases do they argue about? (בי: ו')
- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding hard grapes. Regarding *ketzach*. (בי: ו')

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
27 March י"ז אדר	28 March י"ח אדר	29 March י"ט אדר	30 March כ' אדר	31 March כ"א אדר	1 April כ"ב אדר	2 April כ"ג אדר
Uktzin 3:7-8	Uktzin 3:9-10	Uktzin 3:11-12	Berachot 1:1-2	Berachot 1:3-4	Berachot 1:5-2:1	Berachot 2:2-3

