

MISHNA STUDY FOR JACK ZEV REICHMAN z"l

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THE MISHNA AND THE MENTSCH (PART 2)

This Mishna study continues on the theme Mishna and the Mentsch. The first article on this theme explored our obligation to enable the needy to make a living. (Issue Number 4 in this series.)

This article discusses how a stringency that prevented people from getting along was relaxed.

Background

Tahara is a state of ritual purity in Jewish law. *Tuma* is a state of ritual impurity in Jewish law. A person who is *tamei* (in a state of *tuma*) can cause another object to become *tamei* by standing, leaning or sitting on the object. Such an object is called *midras* (literally, an object that was tread upon).

A person who touches or carries a *midras* becomes *tamei* as well, and in turn makes his clothes and any non-earthenware utensils that he touches *tamei* as well.

Offerings in the temple (*kodshim*) and some agricultural tithes (*truma*) could not be eaten while *tamei* and there is an obligation to protect them from becoming *tamei* (such as, preventing them from coming into contact with a *midras*).

Perushim are people who eat ordinary food (*chulin*) with the stringency that applies to *truma* or *kodshim* (with regard to protecting it from *tuma*).

Am haaretz refers to people who are not careful regarding the laws of *tuma* and *tahara*. An *am haaretz* is not normally trusted to attest to the *tahara* of an object and his food and utensils are assumed to be *tamei*. The second mishna in this article will review one of the exceptions to this rule. A *chaver*, by contrast, is trusted to attest to the *tahara* of an object

Stringency and Socializing

Tractate Chagiga, Chapter 2, Mishna 7 מסכת חגיגה פרק ב, משנה ז	The clothing of an <i>am haaretz</i> is <i>midras</i> for <i>perushim</i> , the clothing of <i>perushim</i> is <i>midras</i> for those who eat <i>truma</i> ¹ , the clothing of <i>truma</i> is <i>midras</i> for those who eat <i>kodshim</i> . Yosef ben Yoezer was a pious cohen yet his napkin was <i>midras</i> for <i>kodesh</i> ² . Yochanan ben Googada would eat in a state of <i>tahara</i> appropriate for <i>kodesh</i> ³ all his life yet his napkin was <i>midras</i> for those who deal with the ashes of the red heifer mixed with water. ⁴	בגדי עם הארץ מדרס לפרושים, בגדי פרושים מדרס לאוכלי תרומה, בגדי אוכלי תרומה מדרס לקודש. יוסף בן יועזר היה חסיד שבכהונה, והייתה מטפחתו מדרס לקודש; יוחנן בן גודגדה היה אוכל בטהרת הקודש כל ימיו, והייתה מטפחתו מדרס לחטאת.
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¹ Referring to priests.

² He was very careful regarding *tuma* and was so careful that he treated even *chulin* as *truma*.

³ He was careful to the most extreme degree – *kodshim*.

⁴ The ashes of the red heifer were used for the ritual purification of people who came into contact with a corpse.

<i>Discussion</i>	<p>We see imagine how the rules described in the mishna inhibited social intercourse. Perushim would be reluctant to come into contact with an am haaretz; a member of the priestly caste that ate truma would be reluctant to socialize with an am haaretz or with perushim.</p> <p>These rules were relaxed during the pilgrimage festivals when all of the Jewish people are commanded to visit Jerusalem. During the festival, an am haaretz would be considered as a chaver. An application of this waiver is found in the following mishna.</p>	
Tractate Chagiga, Chapter 3, Mishna 7 מסכת חגיגה פרק ג, משנה ז	<p>If a storekeeper⁵ opened a barrel of wine or began to sell baked products during the festival⁶ – Rabbi Yehuda says even after the festival is over you may continue selling⁷ until the wine in the barrel or the baked products are finished. The Rabbis say do not continue selling the remainder of wine or baked products after the festival.</p>	<p>הפוח את חביתו, והמתחיל בעיסתו על גב הרגל--רבי יהודה אומר, יגמור; וחכמים אומרים, לא יגמור.</p>
<i>Discussion</i>	<p>While the am haaretz does not transmit tuma during the festival, it is clear from the continuation of the mishna that this dispensation applies only during the festival: after the festival all the utensils in the courtyard of the temple would be immersed in a mikve to return them to a state of tahara following their contact with an am haaretz. So, why would Rabbi Yehuda rule that the barrel of wine opened during the festival or the baked goods that came into contact with an am haaretz may be sold in a state of tahara?</p> <p>Rashi⁸ explains the view of Rabbi Yehuda as a concession to need. If storekeepers were concerned that after the festival they would have unsaleable remainders of wine or baked goods that acquired tuma status, fewer merchants would offer stock during the festival and the pilgrims would face shortages and higher prices.</p>	
Gemara, Tractate Chagiga, 21a גמרא מסכת חגיגה כ"ב.	<p>Rabbi Yossi says, why are all believed regarding the tahara of wine and oil all year around?⁹ So that not every individual will build their own alter and burn their own red heifer.</p>	<p>א"ר יוסי מפני מה הכל נאמנין על טהרת יין ושמן כל ימות השנה כדי שלא יהא כל אחד ואחד הולך ובונה במה לעצמו ושורף פרה אדומה לעצמו</p>
<i>Conclusions</i>	<p>When keeping the stringent approach to an am haaretz would have led to enmity and a fragmenting of the social fabric ("so that not every individual will build their own alter"), and to more serious transgressions, the stringet approach was relaxed.</p> <p>During the festival when the Jewish people gathered in one place, physically separating the scholar from the am haaretz would undoubtedly cause enmity – and again the stringent approach was relaxed.</p>	

⁵ Referring to a storekeeper who is a chaver.

⁶ And the products were touched by an am haaretz.

⁷ Continue selling the products as products in a state of tahara, even though they were touched by an am haaretz during the festival.

⁸ Tractate Beitza 11b.

⁹ One of the exceptions where an am haaretz can attest to tahara.

An Almost Related Topic – Hospitality and the Altar

Since we were discussing rules that applied in the time of the temple, it seems appropriate to quote the gemara on the same page as the mishna quoted above.

<p>Gemara, Tractate Chagiga, 27a גמרא מסכת חגיגה דף כז,א</p>	<p>Rabbi Yochanan and Reish Lakish both said: in the time that the temple stood the altar would provide atonement for man¹⁰; today the table of a man atones for him.</p>	<p>רבי יוחנן וריש לקיש דאמרי תרוייהו בזמן שבית המקדש קיים מזבח מכפר על אדם עכשיו שלחנו של אדם מכפר עליו</p>
<p><i>Discussion</i></p>	<p>This position can be understood that the hospitality show at one's table is what provides atonement. It can also be understood that Torah discussed at the table and the blessings recited at the table provide atonement.</p>	

While Rabbi Yochanan and Reish Lakish were friends, study partners and brothers-in-law, they also promulgated sharply differing views throughout the Talmud. The above quote follows a long series of issues where Rabbi Yochanan and Reish Lakish came down on different sides of the fence.

¹⁰ Certainly when taken as part of a process of repentance.