

## Anything which is *Tohoir* by a *Zohv*

## כל שבזב טהור –

### OVERVIEW

רבא issued a ruling regarding an animal who damages an item: it depends; if in a corresponding case by a זב, this item would become טמא (for the זב is in direct contact with it [i.e. touching it or moving it]), there would be a liability of נ"ש (for the animal damaged the item directly); however if by a corresponding case of זב, the item would remain טהור (for the זב did not touch it he merely threw something on the item), there would only be a liability of ח"נ (צרורות). Our תוספות qualifies this rule.

אין זה הכלל דוקא דהא קנה בקומטו של זב והסיט<sup>1</sup> בו הטהור טהור ולענין נזקין אין חילוק - **This rule (of כל שבזב טהור) is not precise, for if there is a reed in the fold of a זב (under his armpit), and he moved something which is טהור with this קנה (while the reed was under his armpit), that item remains טהור; however regarding damages there is no difference** which part of the animal held the item which damaged (whether it was under a fold in the animal or it was in a revealed part of the animal), when it caused damage; he is liable in all cases.

וכל עיקר האי כללא לא בא<sup>2</sup> אלא למעט זורק:

**And the main point of this rule was only to exclude** a damage caused by **throwing**, from paying a נ"ש, but rather he is liable only for ח"נ צרורות.

### SUMMARY

The rule of כל שבזב טהור is only to exclude זורק.

### THINKING IT OVER

How can תוספות write 'וכל עיקר האי כללא לא בא אלא למעט זורק'<sup>3</sup> (which is the rule of ח"נ צרורות) when the גמרא clearly asks, **ורבא צרורות אתא לאשמועינן** (clearly asks, (צרורות) when the גמרא clearly asks, and additionally states that **?!<sup>4</sup> עגלה מושכת בקרון קמ"ל**?

<sup>1</sup> A זב can be מטמא an item by moving it, even if the זב does not actually touch the item. For instance he moved the item by pushing it with a stick that he is holding. This is called טומאת היסט – moving. We derive this from the פסוק of (ויקרא [מצורע] טו, יא in) וכל אשר יגע בו הזב וידיו וגו' However since the תורה writes וידיו וגו' we derive that this טומאה of היסט is only when it is similar to ידיו (which are revealed) however if the contact was from a hidden part of the זב (the stick was under his armpit) it is a מגע בית הסתרים and is not מטמא. See בדה מג, א.

<sup>2</sup> See 'Thinking it over'.

<sup>3</sup> See footnote # 2.

<sup>4</sup> See פני יהושע.