

**And this which was taught – והא דתנן פטור דאפיק חצי זית ממת גדול –
Pohtur; where he took out half-a-Zayis from a large corpse**

OVERVIEW

The משנה states that if one carried out a כזית from a מת he is חייב; the inference being that if he took out a חצי זית he would be פטור. רב נחמן (who maintains אהנו¹) interprets this משנה [and its inference] that he is פטור only if he carried out a חצי זית [for then ר"נ would maintain מכזית ומחצה a מוציא (but not if was מוציא a חצי זית ממת גדול)]. Our תוספות explains and qualifies this answer.

והוא הדין דהוה מצי לאוקמיה כגון דליכא אלא חצי זית בלבד² -

And משנה in a case where for instance there was only a חצי זית -

אלא דניחא ליה לשנויי בחצי זית ממת גדול דהוי רבותא טפי³ -

However it is preferable to answer that the משנה is discussing (in the inference) a חצי זית from a large corpse, for that ruling is the greater novelty -

דאי ליכא אלא חצי זית מן הכל פשיטא דפטור⁴ -

For if (as the וה"ה suggested) there is only a חצי זית in total; it is obvious that he is פטור.

ר"נ qualifies the ruling of תוספות:

ודווקא חצי זית⁵ אבל כזית ממת גדול חייב⁶ -

And he is פטור only specifically if he took out a חצי זית (from a מת גדול); however if he took out a כזית from a מת גדול he is חייב –

תוספות responds to an anticipated difficulty:

¹ See ('Overview to) the previous תוס' ד"ה אהני, regarding removing one of three hairs from a נגע.

² We will seemingly have to read the משנה in the following manner (according to this וה"ה); when the משנה states that if one carried out a כזית from a מת he is חייב (but not that there was a corpse and he removed a כזית from the corpse). The inference then is that if all (that there was, and all) he took out was a חצי זית, he is פטור. This would (certainly) be no contradiction to the view of ר"נ.

³ One might think that the אהני מעשיו is effective even to the extent that we say since he removed a חצי זית and then a number of people will continue to remove parts of the מת until there will be less than a כזית, so it will turn out the he (by removing the first חצי זית) took part in the ultimate removal of the מת and he should be חייב since אהני מעשיו. The רבותא is that אהני מעשיו is not that effective to such a degree (see [bracketed end of] footnote # 5).

⁴ A חצי זית is not מטמא, so he did not accomplish anything by removing the חצי זית.

⁵ When he takes out a חצי זית ממת גדול we cannot say אהני מעשיו, for even if someone else were to remove another חצי זית from this מת, it will still contain enough זיתים to be מטמא (see previous תוס' ד"ה אהני [TIE footnote # 2]).

⁶ See 'Thinking it over'.

אף על גב דאי משתקלה זית אחר לא אזלא טומאה -

Even though that if another זית will be removed from this מת, the טומאה will not leave; the מת (who is much larger than two כזיתים) will still be מטמא, so seemingly here too he did not accomplish anything by being מוציא a כזית -

מכל מקום אהני מעשיו דמשחתכו לא גריר בתר המת⁷ -

Nevertheless in this case his actions have accomplished something, for once he cut off the מת from the house, this cut off כזית, is not associated any more with the מת -

וכשיוציאו המת מן הבית וישאר כזית זה יטמא כל הבית -

So when they will remove the מת from the house, and this כזית will remain in the house, it will be מטמא the entire house -

ונמצא שעתה בהוצאה זו הוא גורם טהרה:

So it turns out that by this removal of the כזית he is causing טהרה for the house, therefore he is חייב since אהני לו מעשיו.

SUMMARY

It is obvious that by taking out a חצי זית (if that's all there is) he is פטור. Removing a כזית ממת is פטור for אהני מעשיו; however for removing a חצי זית from a גדול מת is חייב, since he prevented the house from becoming טמא after the removal of the מת.

THINKING IT OVER

Is this ruling of תוספות (that he is חייב for a גדול ממת)⁸ according to everyone, or only according to רב נחמן?⁹

⁷ If we were to assume that this cut-off piece is נגרר אחר המת (it is considered as part of the מת), then לא אהני מעשיו, if we view the situation as of now, the מת is still בבית and אהני מעשיו, if we view it as it will be in the future that the מת was removed, so this כזית (which is נגרר אחר המת) is also considered removed together with the מת, so it is not his מעשים that made the בית טהור, but rather the removal of the מת, for if he would not have removed it, it would have been removed together with the מת.

⁸ See footnote # 5.

⁹ See אברהם פני.