

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT

Hilchos Tolaim Shiur 1

Mareh Makomos for this Shiur

Chullin 66B – 67A

Tur 84:1-3

Bais Yosef 84:1

Mechaber, Rama 84:1-3

Aruch Hashulchan 84:1-13

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The Laws of Bugs



Bugs That Live in Water

Not All Water Bugs are *Osser*

Siman 84:1 – 3 Part One

1 ***Shratzim*** (creeping things) that grew in 1) water found in ***Kalim*** (vessels), 2) cisterns, ditches, and caverns which do not flow are permitted (1) even though they do not have fins and scales. 3) Therefore, one may swim in or drink this water (2) without concern that a ***Sheretz*** may enter one's mouth (3) 4) (*however, it is Assur to 5) draw the water with a kli and drink*).

If they exit from their natural environment, 6) for example on the outside of the cistern or the outside rim of the *kli*, even though they return they are *Assur*. Usually, we do not suspect they may have exited. But, if they did exit 7) and remained (4) on the inside walls of the *kli*, they are muter.

2 Concerning those that grow in ***Charitzin*** (gutters) and ***Naitzim*** (trenches) (*gutters are long and narrow, Naitzim are wide, similar to fish ponds*) which have an inflow but not an outflow; 8) ***Yeish Ossrim Yeish Matirim***.

3 While filtering water or other liquids, which contain worms, midge or mosquito larvae, even though they fall back into the water, they become forbidden because they were removed from the water. Therefore, if it is common for larvae to breed in a certain liquid, for example, do not strain it with twigs or straw at night because they 9) may fall back into the *kli* and one may drink it.

Rama: However, it is permitted to strain the liquid with a cloth, or fine screen, because the bugs cannot fall back into the liquid. 10) It is also (5) muter to pour the liquid from one *kli* to another since the bugs are always with the liquid and never leave their environment.

Introduction

Aruch Hashulchan

There are three categories of *Shratzim*, all three are *Assur Md'Oraisa*. *Sheretz Ha'oaf*, *Sheretz Hamayim*, and *Sheretz Ha'aretz*.

Sheretz Ha'oaf

“All *Sheretz Ha'oaf* (winged vermin) is *Tameh* to you, do not eat it.” (*Devarim* 14:19)
Examples of these are: flies, mosquitoes, hornets, and bees.

Sheretz Hamayim

“All which do not have fins etc. is disgusting for you. Do not eat from its flesh etc.” (*Vayikra* 11:10-11) Included in this category is: small creatures like worms and leeches which live in water and big creatures that live in the ocean. The *Rambam* (*Ma'achalos Assuros* 2:12) learns this *lav* from “*al tshakzu nafshosaichem...*” (*Vayikra* 11:43)

The *Rambam* (*Ma'achalos Assuros* 3:6) includes creatures that do not have the shape of a fish even though they have fins and scales.

Sheretz Ha'aretz / Remes Haretz

This is divided into two categories:

- a) *Sheretz Ha'aretz*: “All that crawls on the ground is disgusting, do not eat it.” (*Vayikra* 11:41)
- b) *Remes Ha'aretz*: “Do not contaminate yourselves through any teeming thing that creeps on the earth” (*Vayikra* 11:44)

The difference between the two is that *Sheretz Ha'aretz* is born through the union of a male and female. It is not clear that *Remesim* issue from parent *Remesim*.

Spontaneous Generation

Remes Ha'aretz, according to the simple understanding of *Halacha*, are born from spontaneous generation. Another definition of *Remes Ha'aretz* is that to the unaided eye *Remesim* appear to be created through spontaneous generation, therefore they are defined as such. It is beyond the ambit of our *Shiurim* to settle such a *Machlokes*.

Sheretz Ha'aretz

This includes: the *Shmoneh Shratzim*, snakes, scorpions, beetles, centipedes. The list of the 8 *Shratzim* that are *Assur* from the Torah is found in *Vayikra* 11:29.

Remes Ha'aretz

This includes insects born in waste and rotting meat. For example: larvae and worms.

Shiur Achilas Shrutzim

The amount of a *Sheretz* that a person must eat to be *Chaiiv Malkos* is a *K'Zais*, the same as other *Issurim*. Even if one eats a complete limb he is exempt from *Malkos* if there is not a *K'Zais*. This is because the *Din* of *aiver min hachai* only applies to kosher animals. The blood of a *Sheretz* and the *basar* of a *Sheretz* can be combined to make a *K'Zais*.

However,

Concerning the *Shmoneh Shratzim*, *mid'oraisa* one will get *Malkos* for the amount of an *Adasha* (lentil). It is the same amount that renders a person impure. This *Halacha* was given to us as part of the Oral Torah that *Moshe Rabbeinu* gave us at Har Sinai.

Sba'ar Shratzim may be combined with each other to make a *K'Zais*, and the *Shmoneh Shrutzim* may be combined with each other to make an *Adasha*. But *Sba'ar Shratzim* cannot be combined with the *Shmoneh Shratzim* to make a *Shiur Chiuw*.

Malkos also applies if a whole *Sheretz* is eaten even though that *Sheretz* is less than a *K'Zais*.

Water Bugs

HALACHA 84:1

Our *Siman* begins with the *Halachos* of water bugs.

There are four categories of water bugs:

- 1) Those found in *Yamim* (oceans) and *Nachalim* (rivers).

- 2) Those found in *Charitzin* (gutters) and *Naitzin* (trenches). They are comparable in three ways to oceans and rivers:
 - a) They flow, water enters and leaves.
 - b) They are not completely closed.
 - c) They are in the ground.
- 3) Those that are found in rainwater that collected on the ground. For example, *Boros* (cisterns), *Sichin* (ditches), and *Maaros* (caverns). They are comparable to oceans and rivers because they are in the ground. They differ because they drain very slowly as opposed to flowing water.
- 4) Those found in *Keilim*. They do not flow, they are completely closed, and they are not part of the earth.

Cisterns, Ditches, and Caverns

Source

Vayikra 11: 9 - 10

This is what you may eat of all that are in the water, that which has fins and scales in the water, the oceans and rivers, of those you may eat.

(The Gemora will define this later as a *Stam Pasuk* because we cannot learn directly that *Shratzim* are permitted if they live in *Keilim*.)

All that does not have fins and scales in the oceans and the rivers, of all that swarm in the water, from all the living creatures, they are detestable to you.

(This is the *Mefurash Pasuk* because it is clear that *Shratzim* are *Osser* only if they are from the ocean or river. Therefore, *Shratzim* in *Keilim* are *Muter*.)

Eat all that are in the water

Chullin 66B

Whence should I have known that one may bend down and swallow without any hesitation even those found in cisterns, ditches, or caverns? It is therefore written: These ye may eat of all that are in the waters.

Explanation

The Gemora wants to understand why the Torah needed to repeat in the same *Pasuk* that we are allowed to eat fish that have fins and scales. Perhaps we can say that just like the *Mefurash Pasuk* permitted *Shratzim* in *Kalim*, we can learn from the extra words that the *Stam Pasuk* also permitted *Shratzim* in *Kalim*. But we would not know the Din of *Shratzim* in *Boros*, *Sichin*, and *Maaros* based on either *Pasuk*! Therefore, the extra words “eat all that are in the water” are coming to tell us that *Shratzim* are *muter* even in *Boros*, *Sichin*, and *Maaros* (cisterns, ditches, and caverns).

Charitzin V’Naitzin

The Gemora suggests that we can learn the *Heter* for *Boros*, *Sichin* and *Maaros* without the extra words in the *Pasuk*, “Eat all that are in the water” based on the *Limud* of *Klal*, *Prat*, *Klal*. However, as we will learn we need the *Limud* of *Klal*, *Prat*, *Klal*, to teach us that *Charitzin* and *Naitzin* are *Osser*.

Klal – Prat – Klal

VAYIKRA 11:9

*This is what you may eat of all that are in the **water**, that which has fins and scales in the **water**, the **oceans and rivers**, of those you may eat.*

The *Pasuk* is structured as follows:

Water – **Klal**; *Water* – **Klal**; *Oceans and Rivers* - **Prat**

Although the Gemora at first rejects that the *Pasuk* follows the rules of *Klal* – *Prat* – *Klal* because the order is *Klal* – *Klal* – *Prat*, the learning is later accepted as *k-p-k*:

*Ravina explains that the Chachamim of Eretz Yisrael teach that we may insert a *Prat* between two *Klalim* that are written together in order to make a *k-p-k*:*

"*In water*" is a **Klal**.

"*In oceans and rivers*" is a **Prat**.

The second "*in water*" is another **Klal**.

The second *Klal* teaches us,

That whatever is similar to the *Prat*, for example; all flowing water including *Charitzin* and *Naitzin*, has the *Din* of the *Prat* and whatever is not comparable to the *Prat* in any way is excluded from the *Prat*. In this case we exclude cisterns, ditches and caverns in order to permit fish in them without *Simanim* because water does not flow in or out.

Ribui – Miut - Ribui

The Gemora suggests that we can learn that *Charitzin* and *Neitzin* are *Osser* from the *Limud* of *Ribui-Miut-Ribui*.

A *Tanna d'bai* (from the school of) R' *Yishmael* taught: Since it is written “*in the waters*” “*in the waters*” (without a *Prat* in-between) we do not apply the *Limud* of *k-p-k*. Rather, we apply the *Limud* of *Ribui - Miut - Ribui*.

"*In water*" is a **Ribui**.

"*In oceans and rivers*" is a **Miut**.

"*In water*" is another **Ribui**.

The second *Ribui* includes everything similar to the *Miut*, for example; *Charitzin* and *Neitzin*, therefore they too are *Assur*. It also excludes that which is totally unlike the *Miut*, for example cisterns, ditches and caverns.

The reason that cisterns, ditches and caverns are not included is because they are completely closed, similar to *Keilim*.

Bais Yosef

The Bais Yosef brings a *Machlokes* between Rashi and Tosefos.

According to *Rashi*, the *Tana Kama* and the *Tana d'bai* R' *Yishmael* agree that *Charitzin* and *Naitzin* that trickle, are permitted because they are not comparable to oceans and rivers.

According to *Tosefos*, the *Tana d'bai* R' *Yishmael* argue. The *Tana d'bai* R' *Yishmael* holds that *Charitzin* and *Naitzin* which trickle in are also *Osser* because they are not completely closed. But the *Tana Kama* holds they are *muter* because they do not have a flow.

The *Rosh* holds that even according to *Tosefos* the *Halacha* is like the *Tana Kama*. The *Raw Hamagid* holds that the *Rambam* is like *d'bai Yishmael*, and that even *Tosefos* agrees to this. This is also the opinion of the *Rashba*.

Review Questions

- 1) What are the three categories of *Sbratzim*? Give an example.
- 2) How much does one have to eat of a *Sheretz* to be *Chayav*?
- 3) Does the Din of *aiver min bachai* apply to *Sbratzim*?
- 4) In what way are we more *machmir* concerning the *Shmoneh Sbratzim*?
- 5) Why are *Sbratzim* in *Keilim muter*? What is the source?
- 6) What is the *Din* of *Sbratzim* found on the walls of a well?
- 7) What is the *Machlokes* concerning *Charitzin* and *Naitzin*?