

## OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah begins with a dispute when a woman is considered to have already been *temei'ah* when she discovers a discharge of blood. The Mishnah includes additional rules for determining when a woman became *temei'ah*. The Mishnah concludes by contrasting the halacha related to when she conveys *tum'ah* to the halacha of when she counts her *niddah* week.

### 2) Clarifying the opinions

Shammai's opinion is explained.

The rationale behind Hillel's opinion is clarified.

A Mishnah is cited in which Shammai and Hillel seem to contradict their opinions in our Mishnah.

A resolution to the contradiction is suggested.

This resolution is unsuccessfully challenged.

Shammai's position is challenged from another source.

A resolution to that challenge is suggested.

This resolution is unsuccessfully challenged.

The Gemara notes that the two sources cited to challenge our Mishnah are contradictory to one another.

R' Chanina of Sura resolves this challenge. ■

## REVIEW and Remember

1. What is the point of dispute between Shammai and Hillel?  
.....
2. Explain the phrase: דיה שעתה.  
.....
3. What is the status of *taharos* that were prepared in a *mikveh* that turns out to be deficient?  
.....
4. What is the point of dispute between Tanna Kamma and R' Shimon?  
.....

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לעילוי נשמת  
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*by her family*

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*In memory of their grandmother*

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## Distinctive INSIGHT

*Two mitigating factors to rule strictly*

התם איכא תרתי לריעותא

A woman who sees blood is *temei'ah*. If a woman who was *tehorah* finds blood, Shammai rules that any *terumah* or holy items she handled may still be considered *tahor*, up until the moment she found the blood. Hillel says that by finding blood, we realize that everything she touched may be *tamei*. This doubt is cast upon all things she has handled until back to the most recent time she had checked and ascertained that she was *tehorah*.

The Gemara references other situations of doubt regarding *tum'ah* and *taharah*, and it clarifies why the halacha is different in varying scenarios. One of the cases which is compared to the case of a woman finding blood is the case of a *mikveh* (Mikvaos 2:2) which was known to contain the full complement of water to be kosher, and many items were immersed in it. Subsequently, the water was measured and it was found that the *mikveh* is lacking. In this case, all items which were supposedly purified in the *mikveh* are deemed impure, back until the most recent time the *mikveh* was measured and found to be complete. This is unlike Beis Shammai's ruling, who said that the status of the woman is changed from the moment the problem was discovered, and that we do not disqualify the status retroactively at all. This ruling for *mikveh* is problematic for Hillel, as well. He ruled that the woman is *temeiah* only due to a doubt, and the ruling regarding *mikveh* is that everything previously immersed in this *mikveh* which is found to be lacking is definitely impure.

The Gemara explains that in the case of *mikveh* we are faced with two factors which are distinguishing. First of all, any item which was immersed was first brought when it was *tamei*. That status, we now know, has not necessarily changed. Secondly, we have a deficient *mikveh* in front of us now. These two compounded factors lead us to rule strictly. However, regarding the woman, there is only one reason to declare any item she handled to be *tamei*, and that is that she now found blood. The items she touched were previously known to be previously *tehorim*, so we have no basis to change this retroactively at all, according to Shammai, or to rule strictly retroactively definitively, according to Hillel.

Some Achronim (Responsa R' Akiva Eiger. #7) explain that "two distinguishing factors" to declare an item *tamei* is that the status of the *mikveh* which was full would usually balance against the previous *tum'ah* of the immersed item. Where the *mikveh* is now deficient, we view the previous time period according to this condition, and its power to render the item *tahor* is weakened.

Chazon Ish (E.H 80:26) explains that the *mikveh's* previous status is not a factor where it is now deficient. We simply cannot factor in the *mikveh*, and the item which was *tamei* remains *tamei*. ■

# HALACHA Highlight

## Mourning for a relative whose day of death is unknown

העמד אשה על חזקתה

Establish a woman on her chazakah

**S**hulchan Aruch<sup>1</sup> rules that one who hears of the death of a relative within thirty days of the death must observe a full seven days of mourning. If one does not receive the news until after thirty days he is only required to observe an hour's worth of mourning. Maharam Mintz<sup>2</sup> was asked how a person should conduct himself if he doesn't know whether the relative's death occurred within the past thirty days or more than thirty days ago. Seemingly, since mourning for seven days is only a Rabbinic requirement one may adopt a lenient position and mourn for just an hour. Maharam Mintz rules that one must be stringent and observe seven days of mourning. His reasoning is that chazakah – a halachic presumption – indicates that the person who died was alive until the last possible moment. Even though at this point he is dead and that weakens the presumption, never-

theless, Shammai in our Mishnah teaches that even if a woman discovered blood it is assumed that it appeared at the last possible moment. The reason is that the woman had a presumption of being tehorah and despite the fact that she discovered blood the presumption is in force until it must be changed.

Taz<sup>3</sup> cites other authorities who also maintain that one should observe seven days of mourning and referenced a Mishnah in Gittin (28b) that indicates that all people, even those who are ill and elderly, have a presumption of being alive until the last possible moment. Taz disagrees and rules that one is not required to observe more than an hour's worth of mourning. He cites numerous sources that indicate that once a person is found dead, retroactively, he does not have a presumption of having been alive. When there is no indication that a person is dead the presumption is that he is still alive but once it is confirmed that someone is dead we do not maintain that he just died. ■

<sup>1</sup> שו"ע יו"ד סי' תי"ב סעי' א'.  
<sup>2</sup> שו"ת מהר"ם מינץ סי' צ"ה.  
<sup>3</sup> ט"ז שם סק"ב. ■

# STORIES off the Daf

## A Change of State

”אבל איתתא כיון דמגופא קחזיא לא אמרינן אוקמיה אחזקתה...”

**T**he Ramchal, זת"ל, teaches the vast difference between before Adam and Chava ate from the Eitz HaDa'as, and afterwards. “Before Adam and Chava fell into sin, the yetzer hara was outside of them. Of course they had the free choice to sin, but sinning for them was a matter of the higher will of their intellect without any inner inclination to sin.”

The Beis HaLevi, זת"ל, uses this concept to explain a difficult concept brought on today's daf: We find that according to Hillel, although we usually rely on a chazakah and assume that one is pure until we know differ-

ently, a human is different. For example, a woman is not assumed to have become a niddah only from when she noticed she is in this state. She is assumed to have been impure since the last time she was known to be pure. Although the sages disagree—and the halachah follows their opinion—they also concede that any terumah or the like touched within twenty-four hours before she discovered the problem is impure, unless she knows that she was pure within this period.

The Beis HaLevi explains, “To understand the distinction between a person and an inanimate object one needs to understand the source of human sin. Before Adam and Chava sinned, evil was completely external. The sin internalized evil inside them. Therefore, regarding one who was assumed to be pure and then touched terumah or the like, a person cannot assume that he or she was pure until

he or she noticed the impurity. He or she must assume that the impurity was there from before. It is only regarding an inanimate object that we can assume that it remained in the same state until we found out that its status changed.”<sup>1</sup> ■

<sup>1</sup> בית הלוי, בראשית ■

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 as a zechus  
 for a refuah sheleimah for

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