

## OVERVIEW of the Daf

### 1) The author of the Mishnah (cont.)

The Gemara asserts that the Beraisa regarding a woman with a fixed period who stains follows the opinion of R' Chanina ben Antigonus.

The assertion that the Beraisa follows the opinion of R' Chanina ben Antigonus is unsuccessfully challenged.

The Gemara then identifies the stringent opinion of Tanna Kamma as following the position of R' Meir who is stringent regarding stains.

### 2) The examination cloth used before relations

R' Yehudah in the name of Shmuel rules that an examination cloth used before relations is not an effective means of examination.

The rationale for this ruling is explained.

This ruling is unsuccessfully challenged.

### 3) Clarifying the Mishnah

The Gemara explains why it was necessary for the Mishnah to teach that the examination at the time of relations limits the force of "24 hours" as well as "from examination to examination."

The reason it was necessary for the Mishnah to address that the woman was sitting on a bed is explained.

This explanation is challenged.

Two responses to this challenge are recorded.

### 4) Uncertain tum'ah that results from a person

R' Yochanan rules that uncertain tum'ah that results from a person can be inquired about even in the case of a utensil that is resting on the ground.

This ruling is unsuccessfully challenged.

### 5) Retroactive tum'ah

Zeiri rules that the retroactive tum'ah decreed by Chazal renders the couch and seat that a niddah sat upon capable of making a person tamei so that his clothes are tmei'im.

This ruling is unsuccessfully challenged from a Beraisa cited by Avimi of Bei Chozai.

The Gemara begins to reinterpret the Beraisa cited by Avimi of Bei Chozai. ■

*Today's Daf Digest is dedicated in memory of  
 Chaim Aryeh Ben Aharon*

*By the Gut Family, Brooklyn, NY*

*Today's Daf Digest is dedicated by Rabbi Moshe Noble*

*לעילוי נשמת מרת זעלדא ביילא בת ר' משה לייב, ע"ה*

*Today's Daf Digest is dedicated by Sally Oberlander  
 Bunny & Mark Oberlander, Sharon & Lee Oberlander  
 and Tina & Yoav Oberlander in loving memory of  
 our dear husband, father, grandfather, and great-grandfather  
 פנחס אליעזר בן יהודה - Paul L. Oberlander  
 on the occasion of his first yahrzeit on Erev Shavuot, 5 Sivan*

## Distinctive INSIGHT

*Only for a situation where the woman can be consulted*

וכל דבר שאין בו דעת לישראל ספקו טהור

The Gemara analyzes the presentation of the halacha in the Mishnah of a woman who has a regular cycle where we say "it is enough that we consider the tum'ah from the moment she notices blood." The illustration in the Mishnah is of a woman who is sitting on a couch and is working with taharos. She rises from the couch and then notices blood. She is t'mei'ah, and the couch and the taharos are tehorim. Why, asks the Gemara, does this illustration feature the woman sitting on a couch? What does this detail teach us? The Gemara answers that we learn from here that had the situation been different and had it been a case where the woman did not have a regular cycle, where we would rule that the tum'ah is applied retroactively twenty-four hours, then not only would the taharos been impure, but the couch would have also been ruled to be impure.

In any case, the Gemara notes that the couch is an item which is inanimate, and as such it cannot be questioned regarding its actions. The rule is that any item or situation which cannot be consulted and asked is not tamei in a case of doubt. Why, then, would the couch be tamei had it been that the woman would have been retroactively t'mei'ah?

Rashi in Sotah (28b) explains that the case of a sotah woman is considered a situation where the woman could be asked, because we could theoretically ask the woman if she is t'mei'ah, and she could respond and answer us. This is the source from where we learn that a case of doubtful tum'ah is only treated strictly if it is similar to sotah in this regard. Only a situation where a person is involved is there a potential to ask regarding the doubt, and for us to rule strictly if the person does not know how to respond.

Rambam (Commentary to Mishnah, Taharos 3:6) explains that if a doubt regarding tum'ah arises regarding someone who is capable of providing us with information whether he is tamei, we should ask him and wait for his response. This is where a doubt may result in tum'ah. However, if the situation does not involve someone who can be asked, there is no tum'ah if there is a doubt.

Sefer Minchah Chadasha notes that Rambam seems to say that the subject who can speak must be asked and must tell us if the tum'ah occurred. Nevertheless, it is not necessary for the subject to respond specifically with speech. For example, we find that a woman who is incapable of speaking and who is involved in a sotah situation does not drink the sotah waters because she cannot answer to the oath which the kohen must administer. If Rambam's necessity for the woman to be able to respond with words was critical, this woman would be exempt due to her inability to be consulted. Rather, she could respond with signaling or motioning, and this is adequate. She is therefore exempt from drinking only due to the inability to answer "amen" to the oath. ■

# HALACHA Highlight

## *Being almost certain*

היה מתעטף בטליתו

*If one was wrapping himself in his talis*

The Gemara rules that if one is wrapping himself in his talis and there are taharos and tum'os nearby and he is uncertain whether he touched the tum'os he is tahor. If it is impossible to wrap one's self without touching the tum'os he is tamei. Tosafos<sup>1</sup> questions the need for the Beraisa to teach that if it is impossible for one to avoid touching the tum'os that he is tamei. It seems obvious. Tosafos answers that the Beraisa is referring to a circumstance in which it is possible for one to not touch the tum'os but very unlikely. Since it is almost certain that he would touch the tum'os, that almost certainty is sufficient for him to be tamei.

Sefer Tal Torah<sup>2</sup> explains that according to Tosafos when an incident is in doubt but it is almost certain that something occurred it is considered as though there is a majority presumption that that incident occurred. In other words, when one is almost certain about something it is not treated as a regular matter of doubt. Based on this principle he writes that if a person is uncertain whether he davened he is required to daven again as a voluntary tefila<sup>3</sup>. If, however, he is not absolutely certain that he davened but he is almost

# REVIEW and Remember

1. In matters of taharos do we interpret matters stringently or leniently ?  
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2. Why are two examinations necessary after תשמיש ?  
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3. Explain: אין בו דעת לישאל.  
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4. What is Zeiri's ruling ?  
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certain that he davened he would not have to daven even a voluntary tefila since the majority presumption indicates that he davened. Similarly, the halacha is that if one is uncertain whether he said ותן טל ומטר לברכה in the first thirty days of winter he must repeat shemone esrei since it is assumed that he followed his old habit of not adding these words<sup>4</sup>. If a person is not certain that he added these words but he is almost certain that he did he would not be required to repeat shemone esrei since the majority presumption indicates that he added those words. ■

<sup>1</sup> תוס' ד"ה ואם.  
<sup>2</sup> ספר טל תורה ד"ה וכן בריש חולין.  
<sup>3</sup> שו"ע או"ח סי' קי"ז סעי' א'.  
<sup>4</sup> שו"ע או"ח סי' קי"ד סעי' ח'.

# STORIES off the Daf

## *Sensitivity Training*

”היה מתעטף בטליתו...”

On today's daf we find that it is possible to touch something with one's tallis without even noticing.

Sometimes, when a person wishes to faithfully fulfill the mitzvos with fiery enthusiasm, he mistakenly transgresses much more essential prohibitions. One shochet was not so careful as he should have been regarding checking the lungs of animals he shechted for sirchos. When someone in the town heard about this, he became furious and be-

gan a campaign to stir up opposition to this shochet so that he would be deposed.

When he went to Rav Chaim Volozhiner, zt"l, to garner support so that the fellow would be thrown out of the community, Rav Chaim refused to issue a proclamation against the man. Instead, he rebuked the “askan” who went so far out of his way to slander his fellow Jew. “Reb Yid: sirchos are rabbinic; leshon hara violates a Torah commandment!”

Rav Yisrael Salanter, zt"l, emphasized that sensitivity for others should be a priority even when we fulfill mitzvos. The mitzvah should not come at the expense of another's feelings.

A certain new groom wished to

make a completely fresh start in his avodas Hashem upon his marriage. He yearned to connect to God through his day-to-day mitzvah observance, starting with donning his tallis the day after his wedding. But there was so much he could consider when putting on his tallis. But he was unsure where his kavanah should be. Should he focus on the words of Smag: “Through tzitzis we should remember God. Secondly, we should recall all of His mitzvos.”

He finally decided to ask Rav Yisrael Salanter what he should think while fulfilling this mitzvah. “First and foremost be careful not to smack your friend with the tallis accidentally!”<sup>1</sup> ■

<sup>1</sup> תורת רבי ישראל

