

OVERVIEW of the Daf

1) Dough that may be tamei (cont.)

A Beraisa is cited that clarifies the Mishnah discussing what happens if an uncertainty arises regarding the taharah of dough.

Abaye and Rava clarify a point in the Beraisa.

The principle that unconsecrated food in which challah resides is like challah is unsuccessfully challenged.

2) **MISHNAH:** R' Eliezer and R' Yehoshua disagree which women are tamei'os only from the time that blood is discovered and the tum'ah is not applied retroactively. The examples mentioned by R' Eliezer are defined. R' Yosi suggests an alternative explanation for some of these examples. A qualification to the Mishnah's ruling is recorded and explained.

3) The dispute between R' Eliezer and R' Yehoshua

A Beraisa records R' Eliezer's response to R' Yehoshua.

The Gemara explains why R' Yehoshua waited until after R' Eliezer's death to concur with R' Eliezer.

R' Yehudah in the name of Shmuel states that the halacha follows R' Eliezer in four matters.

The four cases are enumerated and explained.

The necessity for Shmuel to point out that the halacha follows R' Eliezer is explained.

The Gemara challenges the assertion that there are only four cases in which the halacha follows R' Eliezer. ■

Distinctive INSIGHT

The group of four women

רבי אליעזר אומר מעוברת ומניקה שעברו עליהן שלוש עונות דיין שעתן

The text in our Mishnah reads that it is "R' Eliezer" who says that any woman who does not see blood for three months no longer has to apply a precautionary twenty-four hour period of tum'ah to items she touched before seeing blood. This R' Eliezer is "R' Eliezer the Great," who was a student of R' Yochanan b. Zakai, and a colleague of R' Yehoshua. This is also the text of Rambam and Meiri. However, the Yerushalmi lists this view in the name of R' Elazar (written אלעזר ר', without the letter 'י'), which is not the same person who appears at the beginning of this Mishnah (7a) who said that there are four categories of women who only observe tum'ah from the moment they see blood, and not before (besulah, pregnant, nursing or elderly).

This R' Elazar is R' Elazar b. Shamo, who lived at the time of Rebbe.

Aruch LaNeir notes that it seems that we would be faced with an inconsistency if we say that the Tanna at the end of the Mishnah is R' Eliezer. At the beginning of the Mishnah, R' Eliezer holds that only an elderly woman who fails to see blood for three times has the law דיה שעתה. Yet we find later in the Mishnah that R' Eliezer says that the passage of three periods without seeing blood results in דיה שעתה for any woman.

He therefore changes the text and writes that the opinion found later in the Mishnah is that of R' Elazar, not R' Eliezer.

Maharsha provides a solution to this issue. He explains that in the beginning of the Mishnah, R' Eliezer disagrees with the Chachamim, and he holds that an elderly woman is similar to the others in the group of "four women" in that she is immediately in the category of דיה שעתה, and it is not necessary for her to miss seeing for three periods before having this status. As soon as she arrives at the stage of being "an elderly woman" she has the rule of דיה שעתה. It is also true that any woman who misses seeing for three periods also has this status, as R' Eliezer says later in the Mishnah. Maharsha notes that it might have been proper for R' Eliezer to say initially that there are "five women" who have the law of דיה שעתה, and not just four. It might be, says Maharsha, that R' Eliezer heard the group of "four women" from his rebbe, so he always repeated it in the form which he heard it. The fifth category of all other women also being דיה שעתה whenever they fail to see for three periods he did not hear from his rebbeim, so he did not categorize them with the rest.

Rashash learns that R' Eliezer's comments regarding all women are a question against Tanna Kamma. How can Tanna Kamma say that only an elderly woman who does not see for three periods is דיה שעתה, when this is true for any woman. Rather, an elderly woman is דיה שעתה immediately, like the others of the group of four women. ■

REVIEW and Remember

1. What is an uncertainty related to "leaning" ?

2. What is the point of dispute between R' Eliezer and R' Yehoshua ?

3. At what point is a woman considered old ?

4. Can food and drinks make a utensil tamei ?

Today's Daf Digest is dedicated in honor of our top Maggid Shiur
 Rabbi Avraham Bartfeld, shlita

by Mr. and Mrs. Leonard Goldberg, Toronto Canada

HALACHA Highlight

A woman in her first trimester

מעוברת

A woman who is pregnant

The Mishnah teaches that a woman who is pregnant is not expected to discharge blood and as a result if she sees blood she is *temei'ah* from that moment forward and is not *temei'ah* retroactively. The Gemara (8b) explains that a woman is considered pregnant when the fact that she is pregnant is recognizable and three months have passed. This ruling is codified in Shulchan Aruch¹. Rav Moshe Feinstein² writes that nowadays women's bodies no longer follow the pattern that they followed in the time of Chazal and once a woman is pregnant she is no longer expected to discharge blood even before three months from conception have transpired. He cites a number of responsa written in the past four to five hundred years that noted that women's bodies have changed. He notes, however, that Rav Akiva Eiger³ also observed that as soon as women are pregnant they are no longer expected to discharge blood even though three months did not pass but he nevertheless ruled in accordance with Shulchan Aruch that it is not until three months after conception that she is no

longer expected to discharge blood. Rav Feinstein's comment to this is that Rav Akiva Eiger seems to have overlooked the responsa of those Poskim who adjust the halacha based on the change in women's bodies.

Rav Shmuel Halevi Vosner⁴ disagrees with Rav Feinstein and writes that the reason Chazal discussed three months was not because before three months it was not known that a woman was pregnant. What really happened was that Chazal chose a uniform period of time that would apply to all women. Accordingly, even though nowadays women know they are pregnant before three months have passed the halacha does not change. He references Chasam Sofer who also maintains that the halacha has nothing to do with whether a woman knows that she is pregnant. The issue is the point at which she is no longer expected to discharge blood. Once a woman is pregnant the quantity of blood greatly diminishes but she does not enter the category of one who is not expected to discharge blood until three months have passed. ■

¹ שו"ע יו"ד קפ"ט סעי' ל"ג.
² שו"ת אג"מ יו"ד ח"ג סי' נ"ב.
³ שו"ת רעק"א מהדו"ק סי' קכ"ח.
⁴ שעורי שבט הלוי סי' קפ"ד סעי' ז' אות א.
⁵ שו"ת חת"ס יו"ד סי' קס"ט. ■

STORIES off the Daf

Hearsay

"אתה לא שמעת אני שמעתי..."

It is sad that there are couples that just can't seem to get along. Sometimes, one of the two is so immature that it is virtually impossible for the marriage to continue.

One young man came from a family that had plenty of money. He landed an excellent shidduch with ease and all was well for a short while. Then his bride began to notice some strange behavior. He would bolt vast amounts of fine food and drink large quantities of wine. He would also act in a very immature manner, playing practical jokes and rollicking in the most outra-

geous way. Eventually, he deteriorated so much that he was hardly coherent and often acted like someone not in his right mind.

The couple spent three months in Sorka and then moved to Tulchin. While in Tulchin, the couple got a divorce. When people from Sorka heard about this, they approached the beis din in Tulchin and pointed out that the divorce may well be invalid. "After all, when this young man lived in Sorka he acted like a true imbecile, who is considered of unsound mind halachically. Since such a person may not give a divorce, perhaps this divorce is meaningless?"

The beis din protested, explaining that although in Tulchin they had found that the young man had acted in an immature manner and eaten and drank wine gluttonously, he had not

acted like a *shoteh* in any way. But they agreed to put their question to the Tzemach Tzedek, zt"l, for adjudication.

The Tzemach Tzedek ruled that the divorce was valid. "In Niddah 7 the Mishnah states that although Rabbi Yehoshua had heard less than what Rabbi Elazar had said, the halachah follows Rabbi Elazar. We see that merely not hearing something does not fix the halachah.

"The same is true in our case. Even though the young man was halachically out of his mind in Sorka, he may well have healed while in Tulchin. The fact that the people of Sorka did not notice that he was better there has no halachic credence."¹ ■

¹ צמח צדק, אבן העזר, ס' קנ"ג, אות ו' ■

