

OVERVIEW of the Daf

1) Time frames for exams

The Gemara finishes its successful challenge of R' Ashi's explanation of the Beraisa's definition of measuring "after a time."

The opinion of R' Yehudah the son of R' Yochanan ben Zakkai cited in the Beraisa is unsuccessfully challenged.

2) The tum'ah of one who was intimate with a niddah

Rav and Shmuel disagree whether there will be a retroactive tum'ah.

Shmuel's opinion that it does not go retroactive is unsuccessfully challenged.

It is noted that Reish Lakish and R' Yochanan dispute the same point as Rav and Shmuel.

3) **MISHNAH:** The Mishnah teaches that women are assumed permitted to their husbands even when the husbands return from out of town.

4) Clarifying the Mishnah

The necessity to emphasize that a woman is presumed permitted when her husband returns from out of town is explained.

Reish Lakish in the name of R' Yehudah Nesiah asserts that the Mishnah's ruling concerning the traveler is limited to when he returns within thirty days of the outset of her last period.

R' Huna differentiates between a woman who has a fixed period and a woman who does not have a fixed period.

This qualification is successfully challenged and consequently revised.

Rabbah bar bar Chana disagrees with this ruling and explains why.

R' Ashi presents an alternative version of the dispute.

R' Shmuel in the name of R' Yochanan issues a related ruling.

This ruling is unsuccessfully challenged.

The assertion that an uncertainty does not remove something from its certain status is unsuccessfully challenged.

Another challenge to this principle is presented. ■

Distinctive INSIGHT

A doubt cannot override a condition of certainty

ואיבעית אימא ספק וספק הוא, וכדרכי אושעיא וכו'

R' Shmuel had said in the name of R' Yochanan that in a case of a woman who has an established pattern, her husband can calculate from when his wife would have become clean after her period, and he can rely upon the assumption that she is now tehorah. R' Abba said that this rule of R' Yochanan only applies to a case where the husband does not know for sure that his wife saw blood. However, where a woman was known to have seen blood and was definitely temei'ah, the possibility that she has gone to a mikveh and is now tehorah is not strong enough to remove the certainty of tum'ah that was known to exist.

The Gemara challenges the rule of R' Abba that a doubt cannot change and remove a status of certainty that was in effect. A Beraisa teaches that if a person who is conscientious in halacha had fruit in his house, and he died leaving a box of fruit, we can assume that he had separated the proper tithes before he died. Here, we have a case where the fruit was certainly prohibited due to its being tevel (untithed), and the mere possibility that it was tithed properly is enough to rely upon. The Gemara gives two answers to this question. The second answer is that this is not a situation of a doubt overriding a definite status of the fruit being tevel, but rather one situation of doubt overriding another one of doubt. The status of fruit being untithed at any point is itself uncertain, because we have a rule of R' Oshaya, who taught that fruit or produce only becomes obligated to be tithed if it is brought into one's house fully processed and through the front gate of one's property. However, a person could act with subterfuge and bring his grain into his house before it is fully processed, when it still has chaff mixed in with it.

Maharam Chalava asks why the Gemara is prepared to say that the fruit in this Beraisa might have been brought into the house by its owner in a devious manner in order to avoid the mitzvah of taking off tithes. After all, we are speaking about a chaver, a person who is conscience about mitzvos, and the Gemara in Berachos (35b) describes that the earlier generations were special, and they brought their fruit into the houses with great fanfare in order to obligate themselves in this mitzvah. Maharam answers that bringing fruit into the house through the roof to exempt them is a permanent exemption, and this is something that a conscience person would not do. However, bringing the fruit or produce in while mixed with chaff is a temporary deferment, and it only exempts the fruit while the chaff is still mixed in, and it is done to avoid any accidental consumption of tevel until the tithes are removed. This is done even by a chaver. ■

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ר' לוי יצחק בן ר' אליעזר פעדער, ע"ה

HALACHA Highlight

Immersing while her husband is out of town

הבאין מן הדרך נשיהן להן בחזקת טהרה

When men return from out of town their wives are assumed to be tehoros

Shvus Yaakov¹ was asked about a woman whose husband was out of town when the time for her to immerse arrived. Since it is considered dangerous for a woman to immerse if her husband is not in town, she takes a child to sleep with her and places a knife beneath her pillow. Is it appropriate for a woman to follow this course of action? Shvus Yaakov responded that the later authorities have agreed that nowadays immersing is not a mitzvah. The only mitzvah is when a woman's husband is in town so that they do not delay pru u'rvu for even one night. Therefore, one should not deviate from the position of the authorities and create a new custom. He then addresses a possible claim that a woman should be able to choose to immerse if she wants to be stringent. To this he responded that being that there is a possible danger involved and for that reason it is necessary to take a child into bed and place a knife under her pillow, it is prohibited to follow this course of action.

Teshuvos Zera Emes² was asked whether a woman whose night to immerse coincided with her husband's shiva should immerse. He noted that there is a tradition that in such a circumstance she should not immerse and if that tradition is authentic he will accept it but if not he would think that it should be permitted. As far as R' Yehudah HaChassid's statement that a man should not refrain from being together with his wife on the night that she immerses, that refers to

REVIEW and Remember

1. What is the point of dispute between Rav and Shmuel ?
2. Why was it necessary for the Mishnah to emphasize that the wives of men who return from a journey are presumed tehoros ?
3. What is the point of dispute between R' Huna and Rabba bar bar Chana ?
4. Explain: חזקה על חבר שאינו מוציא מתחת ידו דבר שאינו מתוקן.

where he is able to be with her but in a circumstance in which it is not possible for them to be together there is no issue for the woman to immerse. Teshuvos B'tzeil HaChochmah³ writes that our Gemara is a proof to the position of Zera Emes. The Gemara teaches that when a man returns from out of town he may presume that his wife is tehorah. According to Tosafos⁴ even if she became a niddah while he was away he may assume that she immersed. According to Shvus Yaakov how could she have immersed if he was out of town? It must be that it is acceptable for a woman to immerse even though her husband is out of town. ■

¹ שו"ת שבות יעקב ח"ג סי' ע"ז.
² שו"ת זרע אמת יו"ד סי' קנ"א.
³ שו"ת בצל החכמה ח"ג סי' ע"א.
⁴ תוס' ד"ה אפי". ■

STORIES off the Daf

A Woman's Dependability

"אשה שיש לה וסת בעלה מחשב..."

One travelling businessman spent much of his time outside his home. Even on Chanukah, he could not sleep many nights at home. Naturally, he wondered about whether he was obligated to light the Chanukah candles with a blessing. When he asked one rav, he was told to light.

"Although we find in the Gemara that one who sleeps away from home need not make a blessing, that only means that he is not obligated, not that he may not. After all, since he is also obligated to light the Chanukah candles, he

may surely light with a blessing if he wishes to do so!

"We must also consider the possibility that one's household will forget to light for you, in which case their lighting does not discharge your obligation. This actually happened to me once while I was travelling. My wife figured I was lighting for her wherever I was, and I assumed the same. Since then, I light with a blessing if I am away from home on Chanukah."

The rav's student disagreed, however. "The general rule is that one who does something when he is not obligated to do so is a fool. Obviously, one should not light; and if he makes a blessing, it is in vain."

When this question came to the Terumas HaDeshen, zt"l, he ruled that it was not simple. "Firstly, there is a strong reason not to worry that one's household

will forget. As we find in Niddah 15, we presume that a man's wife will take care to fulfill any mitzvah—even a complex and very serious one—that she knows about. We do not assume that she may have erred. Instead, we operate on the assumption that she kept the precise calculation and fulfilled her mitzvah. The fact that the rav once had it happen that his wife misunderstood and did not light proves nothing, as we find in the Mordechai in the chapter Kol HaBasar."

He continued, "And as far as whether it is forbidden to light with a blessing, it is plausible that one may do so. When it comes to Chanukah, there are many levels of lighting. Just as there was a decree that all the members of one's household should light, it is possible that this includes one who is away from home."¹ ■

¹ תרומת הדשן, סי' ק"א. ■