

OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

The Gemara concludes its explanation of the dispute between R' Yishmael and Rabanan regarding the strength of different gezeiros shavos.

R' Acha the son of Rava, in the name of R' Elazar, suggests a different point of dispute between R' Yishmael and Rabanan.

The Gemara analyzes this approach.

R' Chiya bar Abba in the name of R' Yochanan explains the rationale of R' Meir as did R' Yehudah in the name of Shmuel.

This explanation is unsuccessfully challenged.

Rabba bar bar Chana in the name of R' Yochanan suggests an alternative explanation for R' Meir's position.

This explanation is unsuccessfully challenged.

R' Yannai offers a third explanation for R' Meir's ruling.

This explanation is unsuccessfully challenged.

2) An animal-like fetus

R' Yirmiyah inquires about the halacha of a father who accepts kiddushin on behalf of a female animal-like fetus. Does the kiddushin take affect and the man is prohibited from marrying the fetus's sister?

After challenging the question the Gemara relates that R' Yirmiyah was merely trying to get R' Zeira to laugh.

R' Yehudah in the name of Rav asserts that R' Meir's ruling applies only if the animal-like fetus was developed enough that had it actually been the animal that it resembles it would be capable of surviving.

R' Yirmiyah from Difti suggests a proof to this assertion but the proof is rejected.

R' Ada bar Ahavah inquires about the halacha of a human-like fetus in an animal, is it permitted for consumption?

An unsuccessful attempt to resolve the question is presented and the matter is left unresolved.

3) Clarifying the dispute

R' Yirmiyah bar Abba in the name of Rav explains the case disputed by R' Meir and Chachamim.

When R' Yirmiyah was told that a Beraisa states the opposite he accepted the possibility of such an explanation.

The Gemara continues to discuss a fetus that has characteristics similar to a human and similar to an animal.

Rava's ruling about this fetus is unsuccessfully challenged.

Related rulings of Rava are recorded.

A related Beraisa is presented. ■

Distinctive INSIGHT

Miscarriage of a fetus which has the form of an animal

המפלת כמיין בהמה חיה ועוף דברי רבי מאיר, וחכמים אומרים עד שיהא בו מצורת אדם

In the Mishnah, R' Meir ruled that a woman is temeiah if she miscarries even if the discharge does not have the form of a human, but it appears to be the form of an animal or bird. Chachamim disagree and say that the miscarriage is only considered to be a birth if the discharge has the form of a human.

In the Gemara, R' Yehuda says in the name of Rav that R' Meir only considers a miscarriage to be tamei if it has the form of an animal only if it is of the type that theoretically could have been a viable fetus in an animal. If, however, this form of an animal fetus could not be viable in an animal's womb, the woman is not temeiah. This statement implies that in a woman a fetus that has the form of an animal is not viable.

R' Yirmiyah notes that there is a Mishnah in Bechoros (46a) which supports this contention of Rav. The Mishnah is discussing a miscarriage which is developed enough that we say that a subsequent birth will not be considered to be the woman's "first issue of the womb," and, if it is a male, it will not be a bechor. The Mishnah teaches that R' Meir holds that if the miscarriage has the form of an animal or bird, a male child born after it will be a bechor. This indicates that R' Meir holds that in a woman a fetus with the shape of an animal or bird is not viable.

Rambam writes (Hilchos Bikkurim 11:14) that any fetus whose miscarriage results in its mother's becoming temeiah will cause a subsequent birth to lose the status of being a bechor. Conversely, if the miscarriage of a fetus does not cause its mother to be temeiah, for example if the fetus has the shape of a fish or grasshopper, a subsequent birth may be a bechor regarding the necessity to be redeemed from a kohen.

Sefer Shiyarei Knesses HaGedolah (Y.D. 305) raises the question that after Rambam establishes a general rule of a fetus which does not cause its mother to be temeiah, why does Rambam then only provide an example of a fetus which resembles a fish or grasshopper? Why did Rambam choose to illustrate with an example of a discharge resembling a fish or grasshopper, rather than illustrate with an example of a fetus resembling an animal or bird, which is the view of Chachamim who argue with R' Meir?

He explains that Rambam understands that Chachamim agree with R' Meir that although its form is that of a human, if the miscarriage has the shape of a fish, a subsequent birth can still be a bechor for its mother. It is only a discharge with the form of an animal, whose eyes are round like a human, where Chachamim say that this is a birth and a subsequent birth would not be a bechor. Where the miscarriage has the form of a fish, whose eyes are not similar to humans, all agree that a subsequent birth may be a bechor. ■

HALACHA Highlight

Filling our mouths with laughter

הביאו ר' ירמיה לר' זעירא לידי גיחוך ולא גחך

R' Yirmiyah attempted to bring R' Zeira to laughter but he did not laugh

The Gemara recounts a question that R' Yirmiyah asked R' Zeira. After analyzing the validity of the question the Gemara concludes that R' Yirmiyah asked the question to get R' Zeira to laugh but was unsuccessful. Rashi¹ explains that as hard as R' Yirmiyah tried to get R' Zeira to laugh he failed because it is prohibited for someone to fill his mouth with laughter and R' Zeira adopted a very stringent approach to these matters. Ritva² writes that one should not infer from this account that it is prohibited for a person to tell jokes like the ones recorded in the Gemara since the Gemara recounts numerous examples of these types of jokes. Our Gemara itself is proof to that. R' Yirmiyah would not have tried to make R' Zeira laugh if laughing would violate a prohibition. R' Zeira was extra cautious out of fear that even a little laughter could lead him to mouth-filled laughter that would be prohibited.

The Gemara Berachos (31a) relates that after Reish Lakish heard R' Yochanan's exposition in the name of R' Shimon ben Yochai that one may not fill his mouth with laughter until the time of the future redemption, he did not allow his mouth to become filled with laughter. Shulchan Aruch³ codifies this ruling and there is a disagreement regarding the rationale of the prohibition. The students of Rabbeinu Yonah⁴ cite commenta-

REVIEW and Remember

1. How strong is a gezeirah shavah that is free on only one side ?
2. What was R' Yirmiyah trying to accomplish with his question to R' Zeira ?
3. What is the point of dispute between R' Meir and Chachamim ?
4. Would a Cyclops be considered a "child" for the halachos of tumah of childbirth ?

tors who explain that the rationale for the prohibition is a reaction to the destruction of the Beis HaMikdash. While the Beis HaMikdash is standing the prohibition does not apply. They reject this approach because if it were true Chazal should not have said *בעולם הזה* meaning in this world, they should have said, *משחרב בית המקדש* – when the Beis HaMikdash was destroyed. The real rationale behind the restriction is that too much laughter leads a person to forget the mitzvos. This reason is also cited by Mishnah Berurah⁵ in his discussion of this restriction. ■

¹ רש"י ד"ה לידי.
² ריטב"א ד"ה ולא גחך.
³ שו"ע או"ח סי' תק"ס סעי' ה'.
⁴ תלמידי רבינו יונה ברכות כ"א. ד"ה אסור.
⁵ מ"ב סי' תק"ס סק"כ. ■

STORIES off the Daf

Rejoicing in the Right Way

"ולא גחין..."

There is an interesting, but somewhat misunderstood, halachah. It has to do with not filling one's mouth with laughter now while we do not have a Beis HaMikdash. In the words of the Orchos Tzaddikim: "One should only feel joyous in that which brings to enhanced service of God. He should never feel joy from that which causes another pain. For example, one who has wheat should not feel happy if there is a famine and he will make a large profit, since this is bad for

others. One should also never take joy in another person's death, even if he was left a legacy and will profit handsomely from this. Regarding such situations, one who shows proper decency and does not feel joy fulfills the mitzvah of 'ואהבת לרעך כמוך'. One should accustom his heart to feel joy at his friend's success. Most especially one should feel great happiness when he see others doing God's mitzvos, since this is God's will.

"Nevertheless, one should not fill his mouth with laughter in this world, as we find in Berachos 31. Since the Beis HaMikdash was destroyed, all joy has been mixed with sorrow. We also find in Niddah 23 that Rabbi Yirmiyahu tried to make Rabbi Zeira laugh but did not succeed."¹

When someone learned that the halachah not to fill one's mouth with simcha is actually in the Shulchan Aruch, he was shocked and wondered how this could be prohibited.² He decided to ask the Sdei Chemed, zt"l, who was certainly a true scholar and fulfilled every detail of halachah without compromise. "The halachah not to fill one's mouth with laughter due to the destruction of the Beis HaMikdash is a middas chassidus. But this should not be confused with mockery. One who mocks is in one of the four groups that will not receive the Shechinah, as we find in Sotah 42!"³ ■

¹ אורחות צדיקים, שער השמחה
² ש"ע או"ח, סי' תקס"א ס"ה
³ ש"י חמד, כללים, מערכת א', פאת השדה, אות קנ"ה ■

