

OVERVIEW of the Daf

1) Afterbirth (cont.)

R' Yosi ben Shaul concludes his successful challenge to Rebbi's ruling regarding an afterbirth attached to a fetus that resembles a bird.

Further discussion related to attributing an afterbirth to a recent birth is recorded.

A number of related incidents are recounted.

2) Tumah of an afterbirth

A Beraisa elaborates on the dispute whether an afterbirth transmits tum'ah to a house.

Amoraim discuss the rationale behind R' Shimon's opinion.

The Gemara connects R' Shimon's ruling in this Beraisa to another one of his rulings.

One explanation of R' Shimon's second ruling is suggested.

That explanation is rejected in favor of another explanation.

3) Corpse dust

Tangential to the previous discussion, the Gemara analyzes the dispute between Tanna Kamma and R' Shimon regarding the tum'ah of corpse dust.

The necessity for the Mishnah and Beraisa to present the same dispute is explained.

Another related Beraisa is cited and explained.

4) Tumah of an afterbirth (cont.)

R' Yochanan explains the rationale of R' Shimon's statement.

The Gemara connects this explanation with another ruling of R' Yochanan.

A related point is clarified.

Reish Lakish offers his own explanation of R' Shimon's opinion.

R' Yochanan begins a challenge to this explanation. ■

Distinctive INSIGHT

A miscarriage following a birth

מעשה ונשתהה ולד אחר חבירו שלשה חדשים

The Gemara brings the testimony of R' Avin b. R' Ada who said that in one pregnancy, two children were born three months apart from each other.

Tosafos (26b) notes that the Gemara rules that if a woman gives birth to a live child and she later discharges an afterbirth, even up to ten days later, we assume it is a remnant of the birth which already took place, and we do not consider that the afterbirth might be from a different fetus. Tosafos asks that our Gemara relates the story of twins who were born three months apart, which were the result of a birth followed by a subsequent birth of another child three months later. We see that after a birth it is possible for there to be a remaining developing fetus which is an independent child.

Tosafos answers that although it is possible, nevertheless, it is extremely rare that the remaining fetus be an independent child, and the halacha does not regard this statistical possibility as a factor.

Tosafos HaRosh suggests that the testimony on our daf is a case where the second fetus later developed into a full-term child. This situation can be sustained even months after the birth of the first child. However, when the subsequent "birth" is a non-viable miscarriage we do not say that it is from an independent fetus.

Tosafos Ri"d explains that on our daf the Gemara reported that we can attribute an afterbirth to be from a previous birth up to twenty-three days later, and it testified to a case where this was actually happened. Therefore, when Rav reported that when we do not consider the afterbirth to be a different fetus, this is only when the afterbirth followed the actual birth up to ten or even twenty-three days, but no more. In these few days it is not reasonable to assume that a new fetus began to develop after the first one was already in progress. This therefore is not in conflict with our other observation where one child was born and another followed three months later.

Tosafos Ri"d also explains that Rav does not consider the miscarriage to be from a different fetus when it follows a full term, nine-month birth. There is no reason to say that this afterbirth was an independent fetus. ■

Today's Daf Digest is dedicated

לעילוי נשמות

משה יעקב בן אליעזר, אלקע בת משה חיים, אהרן יהושע בן דוב בעריש,
חנה בת צבי הירש, שבע גיטל בת ר' זאב

Zev and Leah Einhorn, Far Rockaway, NY

HALACHA Highlight

Burial in a casket

If he was buried naked in a marble casket

נקבר ערום בארון של שיש

The Gemara cites a Beraisa that discusses the tum'ah of corpse dust. It is explained that the matter depends upon the manner in which the corpse is buried. If the corpse is buried naked in a casket of marble or on a stone floor the corpse will produce corpse dust. If the corpse is buried in clothing in a casket of wood or on a floor of bricks the corpse will not produce corpse dust. Rambam¹ rules that a corpse should be buried in a wooden casket. Radvaz² explains that Rambam intends to convey that it is not necessary to actually bury a corpse in the earth to fulfill the pasuk (Breishis 3:19), "And to the earth you will return." Rather, it is sufficient to bury a corpse in a wooden casket. Kesef Mishnah³ proves that this was the manner of burial that was followed in the time of Chazal.

Ramban⁴ writes that it is preferred to bury a corpse directly in the earth and there is even a mitzvah to do so. This follows Rabbi's instructions (Yerushalmi Kilayim 9:3) that his casket should be open on the bottom so that the body could be in direct contact with the ground. This mitzvah applies even outside of Eretz Yisroel. When Chazal discuss burying a corpse in a casket that is closed they are talking about the final burial of the bones after the rest of the body had decomposed. The initial burial of the corpse, however, was in the ground directly or at

REVIEW and Remember

1. Which famous twins were born three months apart ?
2. What was R' Pappa's comment when the other scholars laughed at him ?
3. Why was it necessary to present the disagreement between Tanna Kamma and R' Shimon in two contexts ?
4. What position was shared by R' Shimon and R' Eliezer ben Yaakov ?

least in a casket with an open bottom. Teshuvos Beis Avi⁵ proves from our Gemara that it is acceptable to bury a corpse in a casket that is closed on the bottom. This is evident from the Gemara's discussion of which burial will produce corpse dust. One of the cases under discussion is burial in a marble casket that is closed all around so that dirt does not come in contact with the body. Since this case was under discussion it is clear that this was an acceptable form of burial. Ultimately he rejects this proof since the Beraisa may be addressing a circumstance in which a corpse was buried in this manner without prior consultation with a Torah scholar. ■

¹ רמב"ם פ"ד מהל' אבל הי"ד.

² רדב"ז שם.

³ כסף משנה שם.

⁴ תורת האדם ריש ענין קבורה והובא בטור יו"ד סי' שס"ב.

⁵ שו"ת בית אביי ח"ג סי' ק"י אות א'. ■

STORIES off the Daf

Seeking the Torah's Truth

"אם נבלת בהתנשא.."

On today's daf we find one should ask questions even if he knows that people might make fun of him.

Rabbi Yirmiyah was well known for his outlandish questions that are recorded throughout shas. In Bava Basra 23 we find that he was even evicted from the beis midrash for asking a particularly peculiar question. Although he was surely laughed at, Rabbi Yirmiyah intrepidly asked many questions that superficially seem strange, and he was not deterred.

We can learn the importance of asking all of one's questions fearlessly from what Rav Chaim Vital, zt"l, teaches about Rabbi Yirmiyah. "All questions asked in the heavenly mesivta are posed by Rabbi Yirmiyah. Since Rabbi Yirmiyah always asked his questions from an honest desire to know the answer, he merited to sit at the opening to the heavenly mesivta and has the distinction of asking all inquiries there."¹

Rabbeinu Yonah, zt"l, points out that the desire to seek out the truth is a prerequisite to success in Torah learning. "The verse states, 'אם תבקשנה ככסף,' one must seek out Torah like he pursues money. He must be careful to attain Torah specifically through toil. His labor to uncover what the Torah means should be

sweet to him—like hunting precious gems is beloved to any successful prospector. This is the meaning of the verse, 'שש אנכי על אמרתך כמוצא שלל רב' – I rejoice over Your words like one who has found a great treasure.' The more one feels this sweetness, the more his eyes are opened to understanding the Torah and the more Torah he is able to retain.

As our sages say on the verse, 'דעת ינעם', a person should learn material that his heart desires to learn."² ■

¹ שער הגלגולים, מובא בבן יהודע על ב"ב, דף כ"ג

² רבינו יונה, משלי, ב' ד'. ■