

OVERVIEW of the Daf

1) Tum'ah of an afterbirth (cont.)

R' Yochanan completes his challenge of Reish Lakish's explanation for R' Shimon.

Ravina demonstrates how R' Yochanan's position follows R' Eliezer's.

Tangentially, the Gemara presents examples of how a corpse can be cremated but retains its shape.

2) Discharging a severed hand or foot

A Beraisa discusses the status of a woman who discharged a severed hand or foot.

R' Chisda and Rabba bar R' Huna qualify the Beraisa's ruling.

This qualification is unsuccessfully challenged.

3) Partial birth

R' Huna rules that once a fetus sticks out his hand from the womb the mother is teme'ah due to childbirth.

This ruling is unsuccessfully challenged.

4) MISHNAH: The Mishnah begins discussing the status of a woman who delivers a tumtum or androgynos. The question of how much of a limb has to be discharged for it to be considered born is discussed.

5) Clarifying the Mishnah

The reason the Mishnah needed to address the circumstances of a tumtum and a male born together or an androgynos and a male born together is explained.

6) Tumtum and androgynos

R' Nachman in the name of Rav discusses different color discharges from a tumtum or androgynos and whether they become tamei as a result.

A Beraisa is cited in support of this ruling.

Ulla rejects the proof from the Beraisa.

The Gemara seeks clarification of how Rav expounds the relevant pesukim.

Unsuccessful challenges to Rav's ruling are recorded. ■

Distinctive INSIGHT

The emergence of a limb during the birth process

הוציא עובר את ידו והחזירה אמו טמאה לידה שנאמר ויהי בלדתה ויתן יד

Ulla taught that if a fetus extends its arm outside the womb and brings it back, the mother is teme'ah due to having given birth. He bases his statement upon the posuk (Bereshis 38:28) which describes the emergence of the arm of one of the twins being carried by Tamar, the daughter-in-law of Yehuda. The posuk says that "as she was giving birth, one of the twins reached out with his arm."

Rav Yehuda challenged Ulla, as a Beraisa clearly rules that if a fetus reaches out with its arm, "the mother is not teme'ah at all." This certainly suggests that the emergence of an arm is not considered to be a birth. Rav Nachman responded to this challenge, as he reported that he heard from Ulla himself that the Beraisa is teaching that the mother must treat the emergence of the arm as birth, but she may not begin to calculate when the days of "pure blood" will occur until the birth of the majority of the child. This clarification of R' Nachman itself is in need of explanation, and we find two approaches in the Rishonim to deal with it.

Ulla's initial statement that the emergence of the arm is treated as a birth means that from that moment the woman is immediately teme'ah for seven days as a niddah. Only when the majority of the child is born will the mother be teme'ah for giving birth, which may be a full fourteen days in the case of a girl or possibility of a girl. The significance of the statement of Ulla would be that he holds that "it is possible for the uterus to open without blood being issued," but that the woman is teme'ah anyway in the case where the arm of the fetus protruded.

Ritva explains that the rule that the opening of the uterus necessarily results in the issuing of blood is only said where a full birth occurs. Here, where only the arm emerged, this is not what is meant by "the opening of the uterus" which necessarily is accompanied by an issue of blood. Ulla, however, rules that the woman is teme'ah due to niddah.

This comment of Ritva is not universally agreed upon, as Toras HaBayis HaAruch (7:6) and Shach (Y.D. 194:#9) hold that even with the "birth" of limbs we say that this causes an opening of the uterus which is accompanied with blood being issued.

Another approach of the Rishonim is that when Ulla said that the mother is teme'ah due to birth, he meant that the woman must be strict and conduct herself with fourteen days of tum'ah due to the possibility that the arm is that of the birth of a girl, even though the Beraisa rules that this is technically not yet a birth. ■

*Today's Daf Digest is dedicated as a zechus
 for a refuah sheleimah for*

חיים ישראל בן חנה צירל, יוסף שלום בן חיה מושא

HALACHA Highlight

Pidyon haben for a baby delivered with a forceps

ואיזהו רוב ראשו משיצא פדחתו

What is considered a majority of its head? When the forehead emerges.

The Mishnah teaches that a baby that is born in the normal manner is considered born once the majority of its head emerged. What is considered the majority of its head? When the forehead emerges. This ruling is codified in Shulchan Aruch¹. Poskim discuss a child that is delivered with forceps and whether he must be redeemed. There are many different aspects to this question and one of the questions that are discussed is what is considered the moment of birth. The reason this question is critical is that a child is not obligated to be redeemed until he emerges from the womb without an interposition. A child born caesarean section or with an interposition does not have to be redeemed. The normal use of a forceps is to grasp the child after the majority of his head has emerged with the forceps placed somewhere on the sides of the head of the baby.

Teshuvos Tzafnas Pa'aneach² rules that the child must be redeemed and the beracha is recited when doing the redemption as well. Being that the doctors do not grab the child with the forceps until after the child's head emerged there is no concern that the child is delivered with an interposition. Maharash Engel³ also ruled that the child must be redeemed and added that an interposition, by definition, is something that

REVIEW and Remember

1. How is it possible for a corpse to be cremated and the shape of the body remain intact ?

2. At what point is a child considered born ?

3. What is the point of dispute between R' Eliezer and the other Tannaim ?

4. Why are a טומטום and אנדרוינס not liable for walking into the Beis HaMikdash while tamei ?

someone does not want to be there. In this case if the doctor does not remove the baby the mother's health would be in danger so she is not particular about the presence of the forceps and it is not an interposition.

Teshuvos Chelkas Yoav⁴ disagrees and asserts that the forceps do, in fact, constitute an interposition and a firstborn that was delivered with them is not sanctified as a bechor. He also reports that he discussed the matter with other outstanding Torah scholars of the generation and they agreed with him. They added, though, that since this is a new issue and was not discussed by earlier Poskim the child should be redeemed without reciting the beracha. ■

¹ שו"ע יו"ד סי' קצ"ד סעי' י.

² שו"ת צפנת פענח סי' ז'.

³ שו"ת מהרי"ש ענגיל ח"ד סי' ט'.

⁴ שו"ת חלקת יואב ח"א יו"ד סי' כ"ו. ■

STORIES off the Daf

The Farmer's Frustration

"תשב לזכר ולנקבה..."

On today's daf we find that when there is a doubt about a Torah law, one must be stringent.

Dealing with orlah is sometimes no simple matter. After putting so much effort into one's trees, how can the farmer stand to look on helplessly as the fruit of his labors rots? Although outside of Eretz Yisrael, a doubt regarding orlah is permitted due to a special halachah l'Moshe MiSinai, one farmer knew

without a doubt that his fruit was indeed orlah, so this halachah did not help him at all.

Nevertheless, he wondered if there was some halachically sound way around this complication. After doing a bit of research, he thought he had a valid answer. In Kiddushin 39 we find that Rav Aviya and Rabbah bar Chanan would give questionable orlah to one another. Rashi explains that each would pick orlah fruits while not in view of his friend. When he gave the orlah of chutz l'aretz to his friend without telling him it was orlah, the fruit was considered doubtful orlah. The Ran there explains that this even applies according to the opinion—which is the halachah—that

orlah in chutz l'aretz is prohibited due to a halachah l'Moshe from Sinai. If this Ran is halachically acceptable, he could give the fruit to people who did not know it was orlah.

When this question reached the Chazon Ish, zt"l, he forbade the loophole, however. "Although it is true that this is the opinion of the Ran, one cannot act on it. If this was clearly the halachah, we would have found something about it in the Rambam and the Shulchan Aruch. The reason they do not bring it, is that they disagree with it!" ■

¹ חז"א, דיני ערלה, אות מ"ו ■

