

Daf Digest for this month is dedicated in memory of ישראל צבי בן זאב גוטליב ז"ל

By the Weiss/Gotlib Families—London, England

OVERVIEW of the Daf

1) Sensing a discharge (cont.)

R' Ashi explains that Shmuel maintains that a woman who experiences a discharge without a sensation is tehorah even Rabbinically.

R' Yirmiyah's explanation of Shmuel is unsuccessfully challenged.

2) Clarifying the Mishnah

The reason why blood found on the tip of a woman's big toe renders her teme'ah is explained.

The principle that we do not assume that tum'ah moves from one place to another is unsuccessfully challenged.

D'vei R' Yannai identifies which part of the leg is considered "the inside."

The Gemara inquires whether the hamstring is considered like the inside of the leg or the outside of the leg.

It is demonstrated that the place of the hamstring is comparable to the inside of the leg.

3) Stains

R' Yirmiyah inquires about the status of unusually-shaped stains.

An attempt to resolve the inquiry is presented but rejected.

A related incident is cited and explained.

A Beraisa presents an incident that relates to a stain found on a tunic. Two Beraisas are cited that discuss a stain found on a tunic worn by two women.

R' Sheishes explains the last phrase of the second Beraisa.

The Beraisa's ruling related to the first woman is unsuccessfully challenged.

A Beraisa discusses a woman who wore numerous garments and found a stain on one of them.

4) **MISHNAH:** The Mishnah teaches that if a stain could be attributed to another source she is tehorah. A related story is presented.

5) Attributing stains

A Beraisa cites two examples of Tannaim attributing stains to another source.

The Gemara infers from the Mishnah that a woman may attribute a stain to people who were handling blood only if she knows she sat next to such people.

The Gemara infers that a woman must be aware that she killed a louse to be able to attribute a stain to a louse. This follows the opinion of R' Shimon ben Gamliel.

The dissenting opinion of Rabanan is clarified.

Tangentially, a Beraisa elaborates on the topic of bedbugs.

Additional related rulings are recorded.

R' Huna and R' Chisda disagree about the size of a stain that renders a woman teme'ah.

An explanation of the point of dispute is suggested and rejected in favor of another explanation.

A second version of the dispute is presented. ■

Distinctive INSIGHT

Stains found on a surface that cannot become tamei

כל דבר שאינו מקבל טומאה אינו מקבל כתמים

Shmuel ruled that if a woman checked the ground before sitting down on it, making sure that there was no blood there beforehand, and she found blood on the ground after she got up, she is tehorah. Rav Yirmiyah explained that the reason for Shmuel's ruling was that the woman did not feel any flow from her body, and on a Torah level, blood without a sensation is tahor. Rav Ashi offers an alternative explanation to the ruling of Shmuel. He says that it is based upon the opinion of R' Nechemiah who says that stains of blood cannot be teme'im if they are found on any surface that is not susceptible to contracting tum'ah. The sages did not enact their concern regarding stains on such materials, so the blood found on the ground is tahor not only on a Torah level, but on a rabbinic level as well.

Later (60b), the Gemara itself cites Rav Masna who explains that the reason for this rule is based upon a posuk (Yeshayahu 3:26), "she will be 'cleansed,' she will sit on the ground." Yet, the Rishonim and Achronim deal with the underlying reason for this rule. It must be that they understand that the posuk is only an asmachta—a scriptural reference for this concept, rather than the actual source.

Tosafos explains the sages declared stains to be a source of tum'ah in order that people not treat the laws of niddah too leniently. Nevertheless, they did not declare women to be teme'im in a situation where the object upon which the blood itself is found remains tahor.

Rashba and Meiri explain that it is relatively infrequent for a woman to find a stain on a surface that is not capable of becoming tamei. Therefore, the sages only issued their enactment in cases that are common and normal, and not in cases which are unusual and less common. This is the reason the concern regarding stains is not applied to where they are found on the ground or on garments which cannot become teme'im.

Ran says that the origin for the rabbinic law to declare stains to be teme'im was so that people would not dismiss or disregard the tum'ah of a garment which has blood on it, where it is actually tamei until the night after it contacted blood. This resulted in declaring the woman as teme'ah as well. However, where a stain is found on a garment which itself cannot become tamei, there is no basis to declare it tamei as a precaution. ■

Today's Daf Digest is dedicated by Rabbi & Mrs. Chayim Knobloch in loving memory of his mother

מרת רויזא בת ר' אברהם, ע"ה

HALACHA Highlight

Attributing stains

Blood and not a stain

דם ולא כתם

The Mishnah recounts the incident of a woman who found a stain on her garment and inquired of R' Akiva regarding her status. After a number of suggestions of other possible sources of the blood R' Akiva ruled that she was tehorah. When R' Akiva noticed that his students were surprised by his ruling he cited for them an exposition that teaches that it is blood which renders a woman *temei'ah* and not a stain. Poskim discuss whether a *rov* can attribute a stain to being from a wound or dye.

Sidrei Taharah¹ writes that whenever it is uncertain whether a stain is blood or dye one must adopt a stringent approach. However, when circumstances indicate that it is more likely that the stain would not render her a *niddah*, but blood would render her a *niddah*, one may attribute the blood to the circumstance that would not render her a *niddah*. For example, if a woman has a tendency to have nose bleeds, the stain may be attributed to blood coming from her nose and she would not be *temei'ah*. Similarly, if one wraps their baby in red cloth and when the child urinates some of the dye comes off of the cloth and generates a red stain, one may assume that the dye is the source of the stain.

The author of *Teshuvos Shevet HaLevi*² also writes that someone with experience in this area could generally differenti-

REVIEW and Remember

1. Explain the principle: אין מחזיקין טומאה ממקום למקום.
2. What is the case of the Beraisa of an uncertain stain found on a woman's body?
3. What is the basis to attribute stains to other sources?
4. What size stain renders a woman *temei'ah*?

ate between a stain that is attributed to blood and one that comes from another source. However, he³ maintains a stringent position concerning a stain that is clearly blood but there is reason to believe that it is not *niddah* blood. He writes that it is difficult to believe that one would be able to differentiate between blood from one source and another when Rishonim already write that it is difficult to distinguish between blood from one source and another. Rav Yosef Shalom Elyashiv⁴ also writes very strong words against one who would declare a woman *tehorah* because he can visibly distinguish between *niddah* blood and other varieties of blood. ■

¹ סדרי טהרה סי' קי"ז ס"ק נ"ב.
² שיעורי שבט הלוי סי' קפ"ח סעי' א' על השי"ך סק"א.
³ שו"ת שבט הלוי ח"י סי' קמ"א.
⁴ קובץ תשובות ח"א סי' פ"ג. ■

STORIES off the Daf

Partial Damage

"ולענין דינא תנן..."

The Chofetz Chaim would warn rabbis to think deeply before ruling practical issues of halachah. "Even if something appears to be completely obvious, the ruling of halachah is sometimes counter-intuitive. Let me give a simple example. A person takes a stick in his hand and breaks someone's window. At first glance it seems obvious that he is obligated to pay the entire price of the window. But this is not simple at all. In the view of an earthly *beis din*, the window might be

considered to be just a part of the house. Like part of land that was damaged, one evaluates the damage to the value of the entire house. If one has a big fancy house, the damage caused to the value of the house by breaking a window is negligible."¹

Although Rav Chaim Brisker, zt"l, analyzed this question in the same way that the Chofetz Chaim did, the Chazon Ish, zt"l, ruled that the perpetrator must indeed pay to replace the window. "Although it is true that if we evaluate an entire home the damage to a wall or window is negligible. This is only relevant if one evaluates the house to sell it. If he evaluates damage to ascertain how much he must pay for the damages, he must certainly pay to repair what he broke!"²

Rav Aryeh Leib Steinman, shlit"a, brings a proof to support the Chazon Ish's viewpoint from today's *daf*. "In *Niddah* 58 we find that if a woman borrows a garment from her friend and soiled it, she must launder it. Now, we may well ask according to the Chofetz Chaim and Rav Chaim Brisker, why should that be? Why shouldn't the woman be obligated only to pay the amount the garment was devaluated due to the stain? This is obviously negligible in this case since we are discussing a stain which can be removed. Clearly one must remove or pay for damage even if the entirety is not devaluated so greatly!"³ ■

¹ החפץ חיים—חיינו ופעליו, ע"ק ס"ה
² חז"א, חו"מ, ב"ק, סי' ו', ס"ק, ג'
³ אילת השחר, שמות, כ"ב: ד'. ■

