



## OVERVIEW of the Daf

1) **Mishnah (cont.):** The Mishnah concludes presenting the halachos related to finding graves and under what conditions does the discovery of graves create a presumption of the presence of a cemetery.

### 2) Clarifying the Mishnah

R' Yehudah makes a number of inferences from the language of the Mishnah.

Ulla bar Chanina cites a Baraisa related to the halachos that apply when an incomplete corpse is discovered.

The reason for excluding the cases noted by R' Yehudah is concern that the corpse is an idolater.

A Baraisa is cited that elaborates on the laws of the Mishnah and presents a related incident.

### 3) The earth that surrounds the corpse

R' Yehudah cites a source for the Mishnah's ruling that the earth surrounding the corpse must be removed with the corpse.

R' Elazar bar Tzadok discusses how much dirt must be removed with the corpse.

R' Elazar bar Tzadok's opinion is unsuccessfully challenged.

### 4) Establishing a graveyard

Rava rules that if three graves are found in a field it is deemed a cemetery even if the first two bodies were moved before the third corpse was discovered.

According to a second version Rava rules that the area is not deemed a cemetery if the first two bodies were moved before the third corpse was discovered.

Reish Lakish explains that the leniency is intended to maintain the purity of Eretz Yisroel.

R' Menashya bar Yirmiyah in the name of Rav states that if twenty amos were searched and no additional graves are found the original three maintain their status as a cemetery.

5) **MISHNAH:** The Mishnah presents the parameters for cases of doubt concerning tzara'as.

### 6) The source for the Mishnah's ruling

R' Yehudah in the name of Rav suggests a source for the Mishnah's ruling.

The Gemara successfully challenges this as the source and is forced to admit that the statement of R' Yehudah in the name of Rav was made about another Mishnah and no source for the ruling of our Mishnah is identified.

7) **MISHNAH:** The Mishnah begins with the parameters for establishing someone as a zav. The Mishnah concludes with a dispute regarding the liability of an assailant who struck someone and the victim, after improving, died.

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## Distinctive INSIGHT

### The seven questions asked of a זב

בשבעה דרכים בודקין את הזב עד שלא נזקק לזיבה

A man who experiences זיבה is asked a series of questions to determine if he is tamei. If any of seven circumstances are present, the flow is attributed to these external factors, and he is not tamei. The Rishonim clarify when these questions are to be asked, and when they are relevant.

The first time a man experiences זיבה, he is tamei until nightfall, as is a בעל קרי. He does not transmit tumah to משכב or מושב to be an אב הטומאה.

The second time a man has a זיבה, his tumah is more serious, and he transmits tumah to משכב and מושב. He can only be relieved of his status if he has seven clear days without experiencing any זיבה. After these seven clean days, he does not have to bring any offerings. If a זב sees a third sighting of a flow, he must not only wait until seven clean days have passed, but at that point he must also bring an offering on the eighth day, at which point he will be tahor.

Rashi and Tosafos explain that the seven questions are asked only for the first or second sightings of a זב. However, once the flow is determined to be tamei, we do not ask any further regarding the third sighting, as we automatically assume that it is tamei, as well.

Rosh and Rabbi Obadiah from Bertinoro explain that the first sighting of זיבה results in the person becoming tamei until the evening, as this tumah is associated in Vayikra 15:22 to the tumah of זרעת שכבת זרע, which is tamei even if caused by external factors (Rav Huna, Niddah 35a). It is the second sighting of a זב which must be scrutinized, as this is where the זב is subject to becoming tamei for a full seven days. This is where we ask the seven questions to ensure that the flow was brought about by his own body ("זב מבשרו," ibid, verse 2), and that it not be precipitated by external causes.

Tosafos Haros argues and explains that אביי in our Gemara

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## REVIEW and Remember

1. Why doesn't the Halacha of the surrounding earth apply to a corpse found in a sitting position?
2. How much of the surrounding earth is taken when a body is exhumed?
3. Why is it necessary to assure the purity of Eretz Yisrael?
4. Explain R' Nechemiah's position in the Mishnah.

# HALACHAH Highlight

## A Sefer Torah that contains three errors

אמר ריש לקיש עילא מצאו וטיהרו ארץ ישראל

Reish Lakish said that they found an excuse and declared Eretz Yisroel to be tahor

Rashba<sup>1</sup> rules that if one finds three or four errors in a Sefer Torah it is prohibited to continue to read from that Torah until the entire Sefer Torah is checked for errors<sup>2</sup>. The reason is that once three errors are found the Sefer Torah has a presumption of error<sup>2</sup>. This ruling is cited in Shulchan Aruch<sup>3</sup>. Pischei Teshuvah<sup>4</sup> cites Sefer Bnei Yonah who clarifies that to assign a Sefer Torah with the status of a presumption for errors it is necessary to find the errors at the same time. Therefore, if an error was discovered and was fixed and another error was discovered and fixed and then a third error was discovered it is not necessary to examine the entire Sefer Torah since at this moment there is only one known error.

Pischei Teshuvah<sup>5</sup> challenges this ruling of Sefer Bnei Yonah from our Gemara which relates that if two graves were found and the bodies were moved and then a third grave was discovered in the same vicinity it is permitted to move the newly found body. Even though at this point it is evident that this was a graveyard and it should be prohibited to move the body, nevertheless, Chazal wanted to limit the amount of land that

## 8) Clarifying the Mishnah

R' Nosson presents a source for the Mishnah's ruling that on the third appearance of zivah the zav is tamei even if the zivah could be attributed to external causes.

The Mishnah's ruling is challenged from a Baraisa that mentions the fourth occurrence rather than the third.

The Gemara answers that the Tannaim argue whether to expound on the word את. ■

would be prohibited for kohanim to enter. This clearly indicates that when lacking the rationale to declare the land tahor the discovery of the three graves should render the area a graveyard, even though the three bodies were not discovered at the same time. Therefore, concerning the Sefer Torah the halacha should be that even if the three errors were not discovered at the same time; nevertheless, once it is known that the Sefer Torah contained three errors it should have a presumption of error. This strict approach can also be found in Elya Rabba<sup>6</sup> who rules explicitly that once three errors are found in a Sefer Torah, even if they are not discovered at the same time, the entire Sefer Torah must be checked for errors. ■

1. שו"ת הרשב"א ח"ז סי' רפ"ז.

2. עי' חידושי רע"ק ליו"ד סי' רע"ט סעי' ג'.

3. שו"ע יו"ד סי' רע"ט סעי' ג'.

4. פת"ש שם סק"ז.

5. עי' בנחלת צבי שם.

6. אליה רבה סי' קמ"ג סק"י. ■

# STORIES Off the Daf

## The Seven Investigations of the Zav

"בשבעה דרכים בודקים את הזב..."

The Maharil, zt"l, brings the story of a certain unfortunate man who saw keri on Yom Kippur. Understandably, this worried him to no end. The gemara at the end of Yoma states that one who sees keri on Yom Kippur will die that year unless he has big merits. He was so worried that he had trouble learning or doing much of anything.

He consulted with the Maharash, zt"l, who replied, "Search your deeds and weed out any unseemly things. And don't forget, the Gemara says that one who does live through the year is guaranteed olam habah! You should definitely not allow your learning to be affected

adversely by this. Many great people had this problem and lived for many years. You should be very meticulous to learn as much as possible since the Torah one learns will atone for this blemish."

When a different case came before the Maharil himself, he replied, "He should do teshuvah as best he can. So I heard from ba'alei hora'ah. It is important to recall that such a thing can happen for other reasons, since we check a zav in seven ways to see if an emission occurred on account of one of these seven causes as we find on Nazir 65. Even the kohen gadol was monitored to ensure that he didn't eat a food that could cause this problem and disqualify him from the avodah. Let this man bear in mind the possible punishment, but let him also recall Hashem's boundless mercy."

When the same question was asked

of the Imrei Eish, zt"l, he said, "It seems clear to me that if this happened on account of any of the seven things which often cause this, the person needn't worry about the possible punishment nor should he feel he earned the reward when he lives out the year. The Chidah in Birkei Yosef, also writes this, but he says only possibly. But I don't see any possible doubt in this."

The Chayei Adam, zt"l, similarly writes that if the sufferer experienced one of the seven causes, he has neither punishment nor reward. As the Steipler would say, "Should someone who was defiled by his own inappropriate thoughts receive a reward?! ■

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disagrees with Rav Huna, and אב"י holds that even the very first sighting of a flow is subject to scrutiny before the person is deemed to be tamei. ■