



OVERVIEW of the Daf

1) Discovering a sheretz in a box that contained taharos (cont.)

The Gemara concludes its second defense of Chizkiyah's position that if a sheretz is discovered in a box that contained taharos the taharos are t'horim.

A third and fourth defense of Chizkiyah's position are presented and analyzed.

The last ruling of the Baraisa regarding the loaf is challenged.

Two resolutions to the challenge are presented.

2) Chachamim's position

A Baraisa elaborates on Chachamim's position.

A point in the Baraisa is clarified.

Rabbah suggests an explanation for Chachamim's position.

Abaye successfully refutes this explanation.

Another rationale for Chachamin's position is suggested.

This explanation is challenged.

Two resolutions to the challenge are recorded.

3) The author of the Mishnah

The Mishnah ruled that if any woman has a fixed period her time suffices for her. The Gemara asserts that this represents R' Dosa's opinion as recorded in a Baraisa.

It is demonstrated that the Mishnah could even be consistent with Rabanan.

Another Baraisa is cited that seems to follow Rabanan rather than R' Dosa.

The Gemara explains how the Baraisa could even be consistent with R' Dosa. ■

REVIEW and Remember

1. What is the point of dispute between R' Meir and Chachamim?

2. Explain the principle שכל הטמאות כשעת מציאתן.

3. Why do Chachamim disagree with Shamai and Hillel?

4. What is the point of dispute between R' Dosa and Rabanan?

Distinctive INSIGHT

Associating tum'ah from one location to another

שאיני אומר אדם טהור נכנס לשם ונטלה

The Gemara had distinguished between the case of a box which was used for items which were t'horim where Chizkiya and R' Yochanan disagree, and the case of a box of items used for taharos where both Hillel and Shamai agree that those items are declared t'mei'im.

Among the answers presented by the Gemara is that Hillel and Shamai were speaking only regarding a case where a sheretz was found while the box was still in the same location where the taharos were originally handled. R' Yochanan and Chizkiyah disagreed in a case where a box was used with taharos in one corner of a house, and after the taharos were removed the box was relocated to a different corner of the house, and a sheretz was found in the box in the second location. Chizkiyah holds that we do not assume the tum'ah found now was present at the initial location, and the taharos are not affected by the tum'ah. R' Yochanan says that we associate the tum'ah in the new location with the initial location. We must assume that the tum'ah discovered in the box in the second corner of the house might have been present in the first location as well, and the taharos are considered t'mei'im.

The Gemara challenges the contention of R' Yochanan. A Mishnah (Taharos 5:7) teaches that if a person touches someone at night, and in the morning the person he touched is found to be dead, R' Meir rules the one who touched him is tahor, while Chachamim say that he is tamei. The halachic guideline is "tum'ah follows the status of how it is found." The Gemara cites a Baraisa that clarifies that this means "how it is found, and only where it is found." This clearly indicates that we say that tum'ah from a previous location should not be associated to a new location, unlike the view of R' Yochanan in the case of the taharos and the sheretz.

Tosafos HaRosh analyzes the comparison of the Mishnah in Taharos to our case of the box of taharos and the sheretz. Of course, if Reuven touches someone in one spot, and in the morning the person is found dead in another location, it is obvious that the assumption that he was dead in the first spot is unreasonable.

HALACHAH Highlight

Determining the day to observe a yahrtzeit when the day of death is unknown

ולמחר השכים ומצאו מת

And the next day he arises and discovers that he is dead

There was once a man that died and it was not known when he died. His son wanted to know when he should observe his father's yahrtzeit. Rav Moshe Feinstein¹ ruled that the yahrtzeit should be observed on the day that it was discovered that his father was dead. Every person has a presumption of being alive; therefore we assume that the person died at the last possible moment. He then notes that seemingly our Gemara seems to contradict his ruling. The Gemara discusses one who touches someone during the night and then discovers in the morning that the person is dead. The halacha is that all of the tahor items the person touched subsequent to touching the recently discovered deceased person are tamei. The reason is that we are concerned that the person was already deceased. Accordingly, in this case as well we should assume that the deceased person died at the earliest possible moment. Rav Feinstein dismisses the question by noting that according to Tosafos² the ruling in the Gemara represents a stringency that is limited to taharos. As such it can not be applied to other areas of halacha.

(Insight...continued from page 1)

The person's having moved is a clear indication that he was not yet dead in the first spot where Reuven touched him. But, the box with the sheretz might have had the sheretz in it in the first corner, before it was moved. Tosafos HaRosh answers that the Gemara understands that the Mishnah in Taharos would rule that Reuven who touched the person to be tahor, even if the one who is found dead was moved by others from one place to another. The person's being moved is reason enough to alleviate the one who touched him from being declared tamei. ■

Rav Moshe Sternbuch² was asked about a man who was discovered dead in his apartment at night. The doctors determined that he had been dead for a number of hours but could not conclude definitively whether he had died at night or during the day. Consequently, they did not know which of the two possible days to observe as the yahrtzeit. Rav Sternbuch explained that the principle of presumptions (חזקה) only instructs how to behave in a circumstance of uncertainty but it does not indicate what actually occurred. Since a yahrtzeit is designed to correspond to the actual day of death one must be certain of that day. In a case when the day is unknown he ruled that the person should observe the yahrtzeit on both days. ■

1. שו"ת אג"מ יו"ד ח"ג סי' קנ"ט.

2. שו"ת תשובות והנהגות ח"א סי' תרח"צ. ■

STORIES Off the Daf

Distracted by a Mitzva

ש"ע ס' ס"ד, ד': "אדם דבכונה..."

On today's daf we find that a person acts with kavanah.

There was a certain person who had trouble focusing while davening. He went to a shul in Yerushalayim which was filled with people collecting for one worthy cause or another. This completely took his mind off what he was reciting, and he wondered what he should do about this.

The man wanted to give tzedakah, but doing so ruined his kavanah.

Rav Moshe Sternbuch, shlit"א, offers excellent advice regarding this matter. "The Ritva writes that while one is occupied with one mitzvah it is forbidden to fulfill another one. How can a person give tzedakah even during birchos kriyas shema, let alone shema itself? But it is possible that during birchos kriyas shema and even the second parshah of shema it is permitted to give tzedakah just as one may gesture to someone for the sake of a mitzvah. But during the first parshah where even gesturing for the

sake of a mitzvah is forbidden, one must not give tzedakah. If he does so he sins by taking his thoughts out of the first parshah of shema."

He added, "But I have seen some people who have found an excellent way around this entire problem. Before davening, they place a number of coins on the table in front of them. The poor people get a basic idea of what he gives and become accustomed to take by themselves. In this manner he can fulfill the mitzvah and also say shema as is fitting."¹ ■

1. תשובות והנהגות, ח"א, סי' ס"א. ■

