



OVERVIEW of the Daf

1) A girl's first discharge (cont.)

The Gemara presents and answers two inquiries related to a girl who experiences her first discharge.

The Gemara identifies the author of the Beraisa.

Chizkiyah and R' Yochanan disagree about the status of a girl's stain between her second and third discharge.

Chizkiyah explains why he rules she is teme'ah and R' Yochanan explains why he rules that she is tehorah.

R' Ilai unsuccessfully challenges Chizkiyah's position.

Ulla presents a related inquiry that was resolved by Ravin and his colleagues.

R' Chilkiyah bar Tuvi rules that if a girl whose time to discharge has not yet arrived discharges blood for seven days, it is considered to be a single discharge.

The wording of this statement is challenged and modified accordingly.

R' Shimi bar Chiya issues a related ruling that the Gemara clarifies.

Another Beraisa related to young girls is cited.

2) Pregnant women

A Beraisa presents R' Yosi's opinion with slightly different wording.

R' Elazar questions the wording of the Beraisa and suggests an interpretation of the Beraisa and cites another Beraisa that supports this interpretation.

A statement in the Beraisa is challenged.

Three answers are recorded.

3) Clarifying the Mishnah

Rav and Shmuel disagree whether the next part of the Mishnah refers to all four women mentioned in the Mishnah or only some of them.

It is noted that Reish Lakish and R' Yochanan dispute the same issue. ■

REVIEW and Remember

- How many incidents generate a chazakah?

- What is the point of dispute between Chizkiyah and R' Yochanan?

- At what point does a girl require bedikos?

- What is the point of dispute between Rav and Shmuel?

Distinctive INSIGHT

The status of a woman during pregnancy or nursing

שתים בימי עיבורה ואחת בימי מניקותה

In the Mishnah (7b), R' Eliezer taught that four categories of women, including pregnant or nursing women, only cause tum'ah to terumah or taharos from the moment they notice their flow, and we do not consider these items they handled to be t'mei'im retroactively for twenty-four hours. R' Yose taught that only if a pregnant or nursing woman experiences three periods without seeing do we say that the halacha is that next time she sees will be דיה שעתה. Until a ninety-day period elapses, if a pregnant or nursing woman sees a flow, we would apply a twenty-four hour period of tum'ah to items she touched.

When one of the sages taught a Beraisa in front of R' Elazar regarding this halacha, he said that R' Yose holds that for both a pregnant woman and a nursing woman, under the conditions mentioned in the Mishnah "the law for her is דיה שעתה." R' Elazar immediately noticed that the wording of the Beraisa began with two women (pregnant and nursing), but concluded with a singular phrase "for her." R' Elazar suggested that the Beraisa must have been referring to one woman, either a pregnant woman who gave birth and is now nursing, or a nursing woman who became pregnant. The novelty of the Beraisa would therefore be that this woman's conditions may combine to a total of three periods without seeing, even though two of the periods was during pregnancy and one was while she was nursing. This interpretation is corroborated in another Beraisa which presents this halacha as suggested by R' Elazar.

Rambam (Hilchos Mishkav u'Moshav 4:6) rules that if a

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HALACHAH Highlight

A nursing woman becoming pregnant

דלמא מעוברת והיא מניקה קאמרת

Perhaps you refer to a woman who becomes pregnant while nursing

R' Yosi teaches regarding a pregnant or nursing woman that if three *onos* pass without her seeing blood it is presumed that she will not see blood. The Gemara goes on to explain that R' Yosi refers to a woman who is pregnant and nursing who does not have to be concerned that she may see blood. Tosafos¹ questions how it is possible for a woman to become pregnant without first seeing blood. The Gemara (31b) states that a woman becomes pregnant either around the time that she immerses or around the time of her period. In both cases she has to have had a flow of blood in order to become pregnant. Tosafos presents two resolutions to this question. His first answer is that most times a woman will not become pregnant without first experiencing a flow of blood but there are a minority of women who become pregnant without experiencing a flow of blood. His second resolution is that when a woman is regularly experiencing a flow of blood she will not become pregnant other than around the time she immerses or around the time of her period. A woman who is nursing could become pregnant even without experiencing a flow of blood.

Teshuvos Or Sameach² was asked whether a woman who became pregnant while nursing must immerse out of concern that perhaps she had experienced a flow of blood. He answered that the question revolves around the two resolutions of Tosafos. According to the first resolution one would have to be concerned that perhaps this woman is from the majority of women who could only become pregnant if she experienced a flow of blood. According to the second resolution there would be no concern since she is nursing. He concludes that regarding the issue of

(Insight...continued from page 1)

pregnant or nursing woman saw blood, but then ninety days elapsed without her seeing, and she then saw again, we would say *דיה שעתה*. Kesef Mishnah explains that Rambam rules according to R' Yose, and that Rambam understood that R' Yose agrees with Tanna Kamma of the Mishnah (7a-b) that a woman is immediately considered to be halachically pregnant once the fetus is noticeable, and her status would be eligible to declare *דיה שעתה*. However, this would be true if she would see one time after not having seen for ninety days. If another ninety days would pass without her seeing, and then she would see again, in this case we would say that the *tum'ah* applies *מענת לעת*. This is unlike Rashi's explanation, that R' Yose disagrees with Tanna Kamma's definition of when a woman is halachically pregnant.

Sidrei Taharah (189:#34) notes that if Rambam rules according to R' Yose, and a woman may be halachically pregnant even without her not seeing for ninety days, the law of two months during pregnancy and one while nursing becomes inapplicable, because she would be *מסולקת דמים*, which is automatically *דיה שעתה*. Rather, he explains that Rambam rules according to Tanna Kamma, but that multiple sightings change her status. ■

immersing one should be stringent in accordance with Tosafos' first resolution. Rav Shlomo Zalman Auerbach refused to believe that the author of the Or Smaeach would have issued such a ruling. He cited numerous proofs that there is no concern that a pregnant woman will experience a flow of blood and if she does become pregnant she is from the minority of women that could become pregnant even without a prior flow of blood. ■

1. תוסי ד"ה דהויא.
2. שו"ת אור שמח (נדמ"ח) סי' ס"ג.
3. קובץ מוריה שנה י"א ג-ד עמ' ע"ח והלאה. ■

STORIES Off the Daf

Setting a Precedent

בתרי זימני הוי חזקה

Today's daf discusses situations of precedent.

Dealing with mental illness presents unusual challenges virtually unheard of in normal circumstances. A sick person can believe in wild ideas that a healthy person would never imagine, and runs the risk of harming himself or others. Some people shy away from marrying into a family where there is a history of mental illness. But what are the exact parameters of when

it is appropriate to avoid a match from such a family and when it is not? When is it just baseless fear or simple prejudice?

Tragically, a certain family had three children who were not normal. Their fourth son was healthy and married and raised a normal family. When it came time for this man's children to get married, people shied away from them as potential matches. Presumably, with three ill brothers, there is a *chazakah* of mental illness in the family. Just because it had not come out in the fourth brother's family proves nothing. Someone wondered if this was correct and decided to ask the Steipler.

The Steipler, ז"ל, gave clear guidelines for how long such a *chazakah* should

abide. "I have thought several times that a family that has three siblings who are mentally ill has a *chazakah* of producing such offspring and it is preferable to avoid marrying into this family. This is no different from an ox which after it gored three times was declared a *mu'ad* and is considered prone to gore.

"Nevertheless, if one sibling married a healthy woman and they had only healthy children, the *chazakah* is removed. Just as an ox that was once *mu'ad* can lose its *chazakah* if it is presented with the opportunity to gore three times more but refrains, the same is true in this case."¹ ■

1. ארחות רבינו, ח"א, ע' רס"ו ■

