



OVERVIEW of the Daf

1) Clarifying the dispute

Tangential to the Baraisa that was cited the Gemara inquires about how much is the amount that when removed from a person would cause death.

Three different opinions are cited.

The differences between the opinions are explained.

2) Deformities

Statements regarding fetuses with deformities are recorded.

R' Yochanan and Reish Lakish disagree about the status of a woman who delivers a fetus whose face is smashed.

R' Yochanan successfully challenges from a Baraisa Reish Lakish's position that the mother is tehorah.

R' Pappi presents an alternative explanation of the dispute.

The reason R' Yochanan is not refuted from the earlier Baraisa is explained.

A related incident is quoted.

Rav and Shmuel disagree about a fetus and an animal born with two backs and two spinal columns.

The point of dispute is identified.

Rav's opinion is unsuccessfully challenged.

Shmuel's position is challenged from a Baraisa.

Rav and Shmuel both explain the Baraisa consistently with their respective positions.

Two related incidents are recorded.

3) Large animals

The Gemara inquires whether large animals can give birth after only seven months rather than after nine months.

An unsuccessful attempt to resolve this matter is recorded.

4) Deformities

R' Yehudah in the name of Shmuel rules that a woman

(Continued on page 2)

Distinctive INSIGHT

Ruling according to Shmuel in order to be more strict

עביד מיהא כוותיה דרב דקיימא לן הלכתא כרב באיסורי בין לקולא בין לחומרא

On 24a, the Gemara introduced a discussion regarding a miscarriage of a fetus which had two backs and two spines. Rav rules that this is not a birth, and the mother is not temei'ah as a woman who gave birth. Shmuel contends that this creature is a birth, and the mother is temei'ah due to her having given birth.

The two views are analyzed and explained in the light of other statements of Amoraim and then in contrast to a Tosefta. As the sugya concludes, we are told that R' Yirmiyah b. Abba was about to rule in accordance with Shmuel, and to declare a woman to be temei'ah after she had a miscarriage of such a fetus. R' Huna challenged R' Yirmiyah and asked for a clarification. "Are you considering to declare this woman to be temei'ah in order to be more strict, due to your doubt as to how to rule? This will ultimately result in a more lenient outcome! If this is ruled a birth, although it will initially result in her being temei'ah, she will then have 'pure blood' which follows the blood which is tamei." R' Huna then suggested that if R' Yirmiyah was in doubt, it would be more wise to rule according to Rav, whose view is generally accepted in all cases of prohibitions – איסור והיתר – (see Bechoros 49b), whether the particular outcome be lenient or strict.

The conclusion of our sugya seems to be that we rule according to Rav, and that a miscarriage of a fetus which has two backs and two spines is not a birth, and the mother is therefore not temei'ah as one who gives birth. Ritva understands that this view is based upon the explanation given by Rav on 24a, that the posuk in Devarim (14:7) which describes the creature called שסועה is speaking about a creature which is not viable once it is born, and the only situation to which it refers is a deformed fetus in the womb of its mother. When this animal is discharged, it may not be eaten. Yefei Aynaim of the Chida writes that there was testimony about a woman with two backs and two spines, whose body joined below the waist into one, and she lived for many years. This seems to indicate that Rav's interpretation of the posuk was incorrect. Yet, Ritva explains that Rav, and those who rule according to Rav, were aware that although such a case can statistically occur, it is so exceptionally rare that no lessons may be learned from it.

Chida also cites Ra'aved who rules according to Shmuel, although we usually rule according to Rav, and our sugya seems to conclude that we rule according to Rav in this case. Yet, because an actual case was documented of a person who was able to survive with two backs and two spines, we see that the approach of Rav in interpreting the pesukim is not correct. ■

REVIEW and Remember

1. What is the point of dispute between R' Yochanan and Reish Lakish?

2. Can an animal with two backs survive?

3. In what areas of halacha do we follow Rav?

4. How was Abba Shaul able to discern a person's drinking habits?

HALACHAH Highlight

Burier of the dead

אבא שאול אומר קובר מתים הייתי וכו'

Abba Shaul said, "I was a burier of the dead etc."

The Gemara discusses how Abba Shaul or R' Yochanan was involved in burying the dead. Shelah¹ explains that it is a great mitzvah for one to bury the dead. Even though it is not an independent mitzvah, nevertheless, it is included in the general mitzvah to imitate God. Just as God buried the dead, so too we should bury the dead. Teshuvos Meishiv Shalom² was asked about a scribe who decided that he would also become a professional burier of the dead. People in his town were upset claiming that a scribe is obligated to remain in a state of purity and being involved in burying the dead on a regular basis is contrary to that state. The question was strengthened with the citation of the Mishnah in Demai (2:3) that a chaver accepts upon himself not to become tamei from a corpse. This teaches that there is a value to staying away from a corpse. Granted nowadays everyone is presumed to be tamei from a corpse since we do not have parah adumah ashes, but it should be worse if someone buries people professionally. As such the scribe should have to choose between being a scribe or a burier of the dead.

Teshuvos Meishiv Shalom answered that although it is true that a scribe must excel in piety and yir'as shamayim, nevertheless, we cannot stop him from becoming a burier of the dead. Proof that being a burier of the dead is not a disqualification was our Gemara's account of how Abba Shaul or R' Yochanan were involved in burying the dead. Moreover, the Gemara relates that God also was personally involved in bury-

(Overview...continued from page 1)
that delivers a fetus that has a human face and wings is teme'ah.

A Baraisa is cited that supports this ruling.

Abaye comments on the incident recounted in the Baraisa.

5) **MISHNAH:** The Mishnah discusses different discharges that a woman may have instead of a baby and whether they make her teme'ah.

6) Multicolored discharge

The Gemara questions why a woman who has a multicolored discharge is tehovah when there is the possibility that it was a fetus that dissolved.

Three answers to the inquiry are recorded.

7) Burying the dead

Abba Shaul shares a number of observations he noticed as someone who buried the dead. ■

ing the dead. This proves that burying the dead is praiseworthy rather than something negative. As far as the tum'ah issue is concerned he answered that as long as we are lacking the means to remove the tum'ah from our bodies there is no rationale that tum'ah should be a reason that someone should not be able to work as a scribe. Practically, however, he told them that a scribe should refrain from becoming a burier. Since generally it is the less distinguished people who are involved in burying the deceased it is disgraceful for a scribe who is to be respected to engage in an activity that appears beneath his dignity. ■

1. פ'י חיי שרה נר מצוה.

2. שו"ת משיב שלום סי' י"ג. ■

STORIES Off the Daf

"I Buried the Dead"

קובר מתים הייתי

One must work on his speech, since "the tongue is the quill of the heart." We find in Sanhedrin that one is judged based on what he says. When Yehu wanted to root out the idolaters, he said, "Achav worshiped idols a little, but Yehu will worship a lot." Although his entire motivation was to catch and punish the idolaters, he himself fell to this sin because of what he said. With one's words,

a pact is made.¹

One of the greatest kindnesses one can do is to bury a niftar. The Rambam reveals the importance of this mitzvah: "Although burying a niftar is a positive commandment that is rabbinic, one who does this fulfills the Torah mitzvah of *וואהבת לרעך כמוך*."

Nevertheless, the Shvus Yaakov, zt"l, points out that even when a gravedigger discusses his work—which may well be l'shem shamayim without expectation of compensation—he must still be careful how he expresses himself. "In Niddah 24 we find that Abba Shaul would bury the dead. When telling peo-

ple about this occupation he said 'I buried the dead.' He used the past tense instead of saying, 'I bury the dead.' The latter expression implies that he is waiting to bury more niftarim. As we find in Kesuvos 8, one should not say that many will drink the cup of mourning. Instead he should say that many have drunk from it. The verse states *בלע המות לנצח*—when Moshiach comes, death will be vanquished forever.' One who is waiting for the fulfillment of this verse will speak in a manner that shows it!"² ■

1. סנהדרין ק"ב

2. עיון יעקב, נדה, כ"ד. ■