



OVERVIEW of the Daf

1) Uterine blood (cont.)

The Gemara explains the rationale behind Rava's ruling that a woman may not eat terumah for three days after having relations with her husband.

The context of Rava's ruling is noted.

2) Poletes shichvas zera

R' Shmuel bar Bisna inquires about the technical aspect of the tum'ah of a woman who is poletes shichvas zera.

The significance of the question is explained.

The basis of the question is clarified.

Abaye, Rava and R' Yosef each answer the inquiry in the same way, and Abaye explains the rationale behind their ruling.

3) Discharges

A Baraisa rules that a woman is temei'ah when she has a discharge even before the discharge leaves her body.

The novelty of the Baraisa's ruling concerning childbirth is explained.

Support for this ruling is derived from a statement of R' Zeira.

R' Yirmiyah successfully challenges the parallel to R' Zeira's ruling and the Gemara returns to its question concerning the original Baraisa's ruling related to a woman who gave birth.

An explanation for the Baraisa is suggested.

This explanation is unsuccessfully challenged.

Support for this explanation is recorded.

4) "The outer room"

The Gemara inquires whether "the outer room" is considered a swallowed place or a concealed place.

The practical difference is explained.

Abaye asserts that it is a swallowed up place, whereas Rava maintains that it is a concealed place.

Rava cites a Baraisa as the source for his position.

Abaye responds to this source.

5) One's throat

The Gemara inquires whether a person's throat is a swallowed place or a concealed place.

The practical difference is explained.

Abaye asserts that it is a swallowed place whereas Rava maintains that it is a concealed place.

Abaye presents the source for his position.

6) The folds of one's body

Rava rules that one who has a sheretz in the folds of his body is tahor, but one who has a neveilah in the folds of his body is tamei.

The rationale for this distinction is explained.

One who has a sheretz in the folds of his body and brings it into the airspace of an oven renders the oven tamei.

The novelty of this ruling is explained. ■

Distinctive INSIGHT

When the baby's crying is heard before it is born

וכי ההוא דאתא לקמיה דרבא אמר ליה מהו לממהל בשבתא אמר ליה שפיר דמי, בתר דנפיק אמר רבא וכו'

The Gemara had interpreted a Baraisa to teach that a fetus is considered born once it has begun to exit the womb and enters the "outer room". Among the proofs that are brought to this is a case in which Rava issued a fascinating ruling.

Someone approached Rava and asked him whether a bris may be performed on Shabbos. Rava immediately told him that it was permitted. However, after the person left, Rava realized that this halacha was obvious to everyone, and that the question must have been more involved than it seemed. He ran after the person and found him, and Rava asked for a full clarification of his question. The man explained that he heard the baby crying within its mother just before Shabbos, but the actual birth did not happen until it was clearly Shabbos night. Rava ruled that in order to have heard the crying, the baby must have already been in the "outer chamber" before Shabbos, and at that point the baby was already considered born, on Friday afternoon. Therefore, that child would be in its ninth day of its life on the following Shabbos, and it is not allowed to have a bris on Shabbos unless it is done on time, on the baby's eighth day.

Noda B'Yehuda (2;Y.D. 120) writes that Shulchan Aruch rules (Y.D. 262:4) that we start to count eight days toward the bris from the moment the baby's head is born or from when the

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REVIEW and Remember

1. What is the reason a poletes shichvas zera is temei'ah?

2. What is טומאה בלועה?

3. What is the בית הסתרים?

4. Why is a person with a sheretz in a fold of his body tahor?

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Shelemo ben R. Shimon, Rachamim ben Moshe,
Hertzel ben Shalom, Menashe ben Saleh and Soraya bat Yosef

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HALACHAH Highlight

Nodding one's head

וכרכיש לי ברישיה

And he nodded his head to me

It happened once that a gabbai stated that Ploni would donate a certain amount of money, and when Ploni heard this declaration he nodded his head. The question later arose whether nodding one's head constitutes a vow. Shearim Mitzuyananim B'halacha¹ ruled that nodding does constitute an admission and is comparable to a verbal declaration. He cites Shvus Yaakov as proof to his position. Shvus Yaakov² was asked about someone mute taking an oath. He responded that since he understands everything that is said to him he can take an oath by nodding his head. Since nodding one's head could constitute an oath it can also constitute a vow for tzedaka. This principle could be traced to a comment of Beis Yosef in the name of Rashba³. Rashba was asked about a widow who was mute and wanted to collect her kesubah. The halacha is that she must take an oath confirming that she has not received any money towards her kesubah. He answered that if she can hear she is considered to possess da'as even though she cannot speak. Therefore, if she can nod her head in agreement to something it is as if she is speaking and this is equivalent to an oath.

Shearim Mitzuyananim B'halacha then cites our Gemara as further proof to this principle. The Gemara reports that R' Zeira told R' Yirmiyah that he had repeated a halacha to R' Avin and he nodded his head. Rashi⁴ explains that nodding one's head is an expression of agreement. This is also evident from the Gemara in Berachos (7a) that reports that God nodded to R' Yishmael Kohen Gadol's beracha. Rashi⁵ there as well explains that nodding one's head is an expression of agreement. Teshuvah Teshuvah MeAhava⁶ reports that he suggested to Noda B'Yehudah that his calculations of measurements were inaccurate since he measured using his

(Insight...continued from page 1)

baby is heard crying even while it is still in its mother. This indicates that Shulchan Aruch holds that it is certain that if it is heard crying, the baby's head has exited the uterus. This means that if the baby was heard crying in its mother on Shabbos, the bris would be the next Shabbos, even if the head and body of the baby was not fully born until after Shabbos. Beis Yosef says that this is clearly indicated from the words of Rava in our Gemara, where the milah is not on time if the crying was heard on Friday. The conclusion would be that if the crying was heard on Shabbos itself that the eight days begin from then.

Ha'emek She'eila (9:5) writes that this halacha is dependent upon the precise text in our Gemara. Our text, which is the one Rashi seems to have, is that the baby was heard crying "on erev Shabbos." However, Ri"f and She'iltos have a text which reads that the baby was heard crying "during bein ha'shemashos—during twilight." In this case, when the official moment of birth is during twilight, the bris is not performed Friday or Shabbos, but only the following Sunday. Accordingly, Rava was careful and precise to just say, "Do not do the bris on Shabbos," because he also did not permit it to be done on Friday. Yet, according to the text of Rashi, Rava should have just said, "Do the bris on Friday," rather than to be negative and say, "Do not do it on Shabbos." ■

own fingers. The issue was that he was taller than most people and his thumb was twice as large as the average thumb. He then relates that when Noda B'Yehudah heard this he smiled and nodded, which he interpreted to mean that he agreed with his assessment. ■

1. שערים מצוינים בהלכה סי' ס"ז קו"א אמי שפ"ו.
2. שו"ת שבות יעקב ח"א סי' קמ"ו.
3. בית יוסף אה"ע סי' צ"ו ד"ה לפיכך אם מתה.
4. רש"י ד"ה וכרכיש.
5. רש"י ברכות ז. ד"ה ונענע.
6. שו"ת תשובה מאחבה יו"ד סי' שכ"ד. ■

STORIES Off the Daf

A Second Opinion

מילה שלא בזמנה אין מחללין עליה את השבת

Although a healthy baby boy must have his bris on the eighth day after he is born, if his color is yellow and remains so, the bris must be postponed.

One baby was born on Shabbos with a slightly yellow cast to his complexion that did not fade. When the father asked a mohel to make the bris on Shabbos, the mohel took one look at the baby and refused. "I can't do the milah on Shabbos since that would be dangerous for the baby."

The father was not convinced, however

so he consulted with another mohel who felt that the baby could be circumcised on Shabbos. Just to be sure, a third mohel who was also a doctor was approached and he also declared the baby healthy enough to receive a bris on time.

When the first mohel heard that the bris was going to be on Shabbos after all, he asked to serve as the mohel, since he had been the first choice. The father was happy to give it to him, since he had been the mohel at the other brisim in his family, but he wondered whether he was permitted to do so. "Since you ruled it is forbidden to do the bris on time, perhaps it is forbidden for you to do the bris, especially since it is on Shabbos."

When this question reached Rav

Yitzchak Zilberstein, shlit"a, he ruled that the first mohel could officiate at the bris. "Although the rule is that if someone bears witness that a piece of meat is treif he may not partake of it even if two kosher witnesses affirm that it is acceptable, there is good reason to be lenient in this situation. In that kind of situation, however, the Mishneh LaMelech stipulates that if the two witnesses testify that the meat is kosher and the original witness recants because of the others' testimony, he may eat the meat.¹ Since in our case two mohalim disagreed with the first mohel, he can still defer to the other opinion and act as mohel at the milah." ■

משנה למלך, פ"ט מהלי אישות, הלי ט"ו ■

