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Pesachim Daf 3

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

There is a dispute regarding a woman who miscarries during the *or* of the eighty-first day after she gave birth to a girl.

Mar Zutra challenged Rav Huna’s opinion that *or* in our *Mishna* means day: It was taught in a *Mishna*: [Concerning a woman who gives birth, the Torah writes: “*But if she bear a female child, then she shall be tamei for two weeks, as in her impurity; and she shall continue in the blood of her purification sixty-six days. And when the days of her purification are fulfilled, for a son, or for a daughter, she shall bring a lamb of the first year for a burnt offering...*” This verse teaches that a woman who gives birth to a female is *tamei* for two weeks, and after that time, she immerses herself in a *mikveh* and is permitted to her husband, but she is still forbidden to eat any sacrificial foods or to enter the Temple until she completes counting another sixty-six days of *taharah*. Then, on the eighty-first day after she gave birth, she brings a sacrifice. This law applies whether the child remains alive or whether she miscarried. The *halachah* is that if the woman again became pregnant during this “*tahor*” period and miscarried during those days, she only needs to bring a single sacrifice, and begins counting anew from the day that she miscarried, bringing the single sacrifice for both pregnancies on the eighty-first day after her miscarriage. If, however, a woman miscarried after the completion of eighty days, e.g., on the eighty-first day, even though she has not yet brought the first offering, she must bring two sacrifices. This *Mishna*

deals with a woman who miscarried on the night before the eighty-first day after she gave birth to a female, and this is the subject of the dispute between Beis Shammai and Beis Hillel.] One who miscarries during the night before the eighty-first day, Beis Shammai exempts her from bringing a second offering, whereas Beis Hillel obligates her to bring a second offering. Beis Hillel challenged Beis Shammai as follows: Why is the *or* of the eighty-first different from the daytime of the eighty-first, as since the calendar day commences at night, if she miscarries on the night of the eighty-first, the law should be the same as if she miscarried on the eighty-first day, and she should have to bring new offerings. [If the woman had seen blood on the night of the eighty-first, she would be *tamei* just like she would be *tamei* if she had seen blood on the eighty-first day, so also with regard to the offerings, if she miscarried during the eighty-first day she would have to bring a new offering, so too if she miscarried on the night of the eighty-first she should have to bring a new offering. Beis Shammai holds that since the sacrifice could not be brought at night, it is as though the woman had miscarried within the “*taharah*” period and does not need a second sacrifice for the aborted pregnancy; but Beis Hillel obligates the woman to bring a second sacrifice for the aborted pregnancy, as the “*taharah*” period was already over. Even though she is unable to bring her first sacrifice until the following morning, she is treated as though she had miscarried after the “*taharah*” period and therefore is obliged to bring a second sacrifice for the aborted birth. ] From



the words of Beis Hillel we see that the word *or* means night. (2b - 3a)

**A *shelamim* offering may only be eaten during the day and it cannot be eaten during the *or* of the third day.**

The *Gemora* asks from a *braisa*: One would think that a *shelamim* offering can be eaten during the *or* of the third day, and this would be based on the following rationale: certain offerings can only be eaten for one day, and *shelamim* offerings can be eaten for two days. Just like by other offerings the night follows the day in that those offerings can be eat the following night as well, so too with regard to the *shelamim* offerings the night should follow the day. We need the verse that states: *on the day of your shelamim sacrifice it shall be eaten, and on the next day; and that which remains until day. A shelamim can only be eaten during the day and the shelamim cannot be eaten during the or of the third day.* We would think that the leftover meat from a *shelamim* must be burned immediately upon the completion of the second day, and this is the rationale for this thesis: there are some offerings that can be eaten for one day and one night, and *shelamim* are eaten for two days and one night. Just like the other offerings must be burned immediately after the time for eating them expires, so too the *shelamim* must be burned immediately upon nightfall of the second day. The verse therefore states: *what is left over from the meat of the shelamim offering on the third day shall be burned in fire.* This verse teaches us that the *shelamim* is burned during the day and not during the night. Since the *braisa* states: we would have thought that a *shelamim* offering can be eaten during the *or* of the third day, we see that the word *or* means night. (3a)

**On the *or* of Yom Kippur, one prays a *Shemoneh Esrei* that is comprised of seven blessing and he confesses**

**his sins, and he does the same for the *Shacharis*, *Mussaf*, and *Minchah* prayers on the day of Yom Kippur.**

The *Gemora* cites a *braisa* proving that *or* means night: On the night of Yom Kippur (*in Maariv*), and in the *Shacharis*, *Mussaf*, and *Minchah* prayers of Yom Kippur day, one prays a *Shemoneh Esrei* that is comprised of seven blessings and he also confesses his sins in the *Shemoneh Esrei*. In the *Maariv* prayer that follows Yom Kippur, one prays an abridged version of the eighteen-blessing *Shemoneh Esrei* that one usually recites during the weekday. Rabbi Chanina ben Gamliel said in the name of his forefathers that even in the *Maariv* prayer following Yom Kippur, one prays the full eighteen-blessing *Shemoneh Esrei* because he is required to recite *havdalah* in the blessing of *chonen hada'as* (*the blessing where we praise Hashem for graciously endowing us with understanding*). We see that the *braisa* uses the word *or* to mean night. (3a)

**In conclusion, both opinions agree that the word *or* that is mentioned in our Mishnah means night.**

The *Gemora* asks on Rav Huna: The academy of Shmuel taught in a *braisa* that on the night of the fourteenth of Nissan, we search for *chametz* by the light of a candle. [*This is similar to our Mishna that states that on the or of the fourteenth we search for chametz by the light of a candle.*] We see from this *braisa* that *or* means night, so we must conclude that everyone agrees that the word *or* in our *Mishna* means night. The only disagreement is that in the area of Rav Huna they called night "light," which is similar to referring to a blind person as one who has a lot of light. In the area of Rav Yehudah, they referred to night as "night." (3a)

**One should always speak in a refined manner.**

The *Gemora* notes: The reason the *Tanna* of our *Mishna* used the word *or* and not night is because the

Tanna used a refined expression. Rabbi Yehoshua ben Levi said: One should never speak in an unrefined manner, as the Torah added eight letters in the verse: *from the animals that are tahor and from the animals that are not tahor*. The Torah could have sufficed with the word *tamei*, impure, and instead wrote *that are not tahor*, which is an addition of eight letters, to teach us the importance of speaking in a refined manner.

Rav Pappa said: it is said: *if there be among you a man who is not tahor*, [because of] *an incident at night*. The Torah could have stated: *a man who is tamei*, and instead wrote *a man who is not tahor*, which is an addition of twelve letters, to teach us that one should speak in a refined manner.

Ravina maintains that the letter *vav* in the word of *tahor* is also extra to teach us to speak in a refined manner.

Rav Acha bar Yaakov said: We also find that the Torah added sixteen letters in the verse: *because he said: an incident has occurred; he is not tahor; for he has not been cleansed*. The Torah could have written *a tamei incident has occurred*, and instead chose to write *an incident has occurred; he is not tahor*, which is an addition of sixteen letters, to teach us that one should speak in a refined manner. (3a)

**One should always teach his student in an abridged manner.**

The Academy of Rabbi Yishmael taught: We derive that one should speak in a refined manner from a verse that states regarding a *zav* (*a man who has an emission similar but not identical to a seminal discharge*) *merkav*, riding equipment. Regarding a *zavah* (*a woman who experiences an irregular bleeding from the uterus*), however, the Torah refers to riding equipment as *moshav*, a seat. [*The reason for this*

*discrepancy is because it is not appropriate to refer to a woman who rides, because she must ride with her legs spread apart.*] Furthermore, it is said in the Book of *Iyov*: *you should have chosen the language of the wise*, and it is said: *my lips express refined knowledge*. If one would think that refined language is only required in biblical passages but the Chachamim were not required to be refined in their language, the verse: *you shall choose the language of the wise*, teaches us that even the Chachamim should use refined language. The verse that states: *my lips express refined language*, teaches us that even in mundane matters one should use refined language.

The *Gemora* asks: But do we not find “riding” written in the torah with respect of a woman, as it is written: *And Rivkah arose with her maidens, and they rode upon the camels?*

The *Gemora* answers: There, it is normal (*for them to ride*) because of their fright of (*being on top of the*) camels.

The *Gemora* asks: But it is written: *And Moshe took his wife and sons and caused them to ride on the donkeys?*

The *Gemora* answers: There, it is normal, on account of the sons (*but the women did not in fact ride*).

The *Gemora* asks: But it is written: *And it happened that she was riding on a donkey?*

The *Gemora* answers: It was normal either because of the fear of the night, or because of the fear of Dovid, or because of the fear of the mountain.

The *Gemora* notes: Although the word *tamei* is used in the Torah, the rule is as follows: if the unrefined word and the refined word are equal in length, then the

Torah uses the more refined expression. If the refined expression is longer than the unrefined expression, then the Torah uses the shorter passage, to teach us that one should always teach his student in a concise manner. (3a -3b)

**Hillel predicted that a student who spoke in a refined manner would become a great leader of the Jewish People.**

There were two students sitting before Hillel, and one of the students was Rabbi Yochanan ben Zakkai. Others say that the two students were sitting before Rebbe, and one of the students was Rabbi Yochanan. One student asked, "Why is one required to harvest grapes with vessels that are *tahor* whereas one is not required to harvest olives in vessels that are *tahor*?" The other student asked, "why is one required to harvest grapes with vessels that are *tahor*, whereas one can harvest olives in vessels that are *tamei*?" The teacher said that he is certain that the first student, who used a more refined term of *tahor* as opposed to using the word *tamei*, would become a leader who would render Halachic decisions for Israel. A short time passed and that student indeed rendered Halachic decisions for Israel. (3b)

**A Kohen who spoke in an unrefined manner had a flaw in his lineage.**

Three *Kohanim* received their share in the *lechem hapanim*, the showbread that was on the *Shulchan* (table) in the Beis HaMikdash. One *Kohen* said that he received a piece of the bread the size of a bean. A second *Kohen* said that he received a piece of bread the size of an olive. The third *Kohen* said that he received a piece of bread the size of a lizard's tail. Because the third *Kohen* spoke in an unrefined manner, he was investigated and they discovered that he was a *chalal*, born out of a union from a *Kohen* and

a woman who is forbidden to marry a *Kohen*, such as a divorcee.

This incident is challenged because there is a ruling that one who seeks a woman's hand in marriage and is investigating the lineage of her ancestors, if he discovers that one of his prospective wife's ancestors was a *Kohen* who served in the Beis HaMikdash, he need not investigate any of the *Kohen's* ancestors. This is because we can assume that a *Kohen* who served in the Beis HaMikdash does not have any flaws in lineage.

The *Gemora* answers that this *Kohen* did not have a flaw in lineage, but rather he belittled the service in the Beis HaMikdash, and this disqualified him from serving in the Beis HaMikdash. Alternatively, the *Kohen* caused his own downfall, as his unrefined speech reflected that he had not been investigated accordingly. (3b)

**A gentile was put to death for requesting a portion of the *Korban Pesach*.**

A gentile would always go up to Jerusalem and eat the Pesach offering. The gentile once told Rabbi Yehudah ben Beseirah that although it is written in the Torah that strangers or an uncircumcised male cannot eat from the Pesach offering, he had eaten from the best meat of the Pesach offering. Rabbi Yehudah ben Beseirah told the gentile to ask for the fat tail of the animal. When the gentile asked for the fat tail, he was told that the fat tail is burned on the *mizbeiach* and was not eaten. When the gentile informed them that Rabbi Yehudah ben Beseirah had instructed him to make this request, they investigated and discovered that he was a gentile and they had him killed. They sent the following message to Rabbi Yehudah ben Beseirah, "Peace upon you, Rabbi Yehudah ben Beseirah for you are in Netzivin but your net is spread in Jerusalem." (3b)



### **One who delivers a bad report is a fool.**

Rav Kahana became sick and the Chachamim sent to Rabbi Yehoshua ben Idi to determine Rav Kahana's condition. Rabbi Yehoshua arrived and found that Rav Kahana had died. Rabbi Yehoshua tore his clothing and he turned the tear to the back, so the Chachamim would not be shocked by the death of Rav Kahana. When the Chachamim asked Rabbi Yehoshua if Rav Kahana had died, Rabbi Yehoshua told them that he did not say anything, because one who delivers a bad report is a fool.

Similarly, Yochanan Chakukaah went to inspect the crops and when asked if the wheat crops were good, he told them that the barley crop was good. Yochanan did not want to inform them explicitly that the wheat crop was bad, so he only hinted to them. They told him to tell the news to horses and donkeys, because it is written: *the barley and the straw for the horses and the speedy mouths*. Yochanan should have said that last year the wheat crop was good, or he should have said that lentils, which are fit for human consumption, were good. (3b)

## **INSIGHTS TO THE DAF**

### ***Rabbi Yehudah ben Beseirah and the Pesach Offering***

The *Gemora* implies that Rabi Yehudah ben Beseirah lived in Netzivin and he himself did not go up to Jerusalem to fulfill the biblical obligation of a Jewish male ascending to Jerusalem for the Three Festivals.

Tosfos<sup>1</sup> writes that one explanation for Rabbi Yehudah Ben Beseirah's exemption from this mitzvah is that Rabbi Yehudah ben Beseirah did not own land.

Alternatively, Rabbi Yehudah ben Beseirah was elderly and was not capable of making the journey to Jerusalem, and one who cannot walk is exempt from bringing the Pesach offering and from the mitzvah of being seen in the Beis HaMikdash on the Three Festivals.

Another reason offered by Tosfos is that Netzivin is in the Diaspora and one is not obligated to ascend from the Diaspora to Jerusalem on the Three Festivals.

The Mishnah LeMelech<sup>2</sup> is bewildered by Tosfos' explanations, as we do not find that the above mentioned reasons are considered exemptions from ascending to Jerusalem. The *Gemora* only mentions that an elderly person is exempt from eating the Pesach offering if he is incapable of eating a *kezayis* of meat.

Regarding what Tosfos writes that an elderly person is exempt from the Pesach offering similar to being exempt from being seen in the Beis HaMikdash, the Mishnah LeMelech is doubtful. We find that women are exempt from the mitzvah of being seen in the Beis HaMikdash yet women are still obligated in the Pesach offering.

Regarding what Tosfos writes that Netzivin was in the Diaspora and for this reason Rabbi Yehudah ben Beseirah was exempt, the Mishnah LeMelech writes that one who is even a distance of fifteen *mil* from the Beis HaMikdash is exempt from the Pesach offering. If Tosfos means that one who resides in the Diaspora is exempt from the Pesach offering, and even from offering *Pesach Sheinei*, there is no source for this ruling. Even concerning the mitzvah of being seen in the Beis HaMikdash on the Three Festivals, there is no exemption for someone residing in the Diaspora.

<sup>1</sup> S.v. malyah

<sup>2</sup> Hilchos Korban Pesach 1:1