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Kesuvos Daf 60

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Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h
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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Recognizing its Mother

The *Baraisa* had stated: If the child recognized her (*the divorcee*) and will only nurse from her, the husband is required to pay her wages and she is forced to nurse.

The *Gemora* asks: From what age do we make this assumption?

Rava answers in the name of Rabbi Yirmiyah bar Abba who said in the name of Rav: From three months. Shmuel said: From thirty days. Rabbi Yitzchak said in the name of Rabbi Yochanan: From fifty days. Rav Simi bar Abaye said: The *halachah* follows that which Rabbi Yitzchak said in the name of Rabbi Yochanan.

The *Gemora* asks on Shmuel: One can well understand [the respective views of] Rav and Rabbi Yochanan since they are guided by the child's level of acumen, but according to Shmuel, do children, in fact, recognize their mother at such a young age (*thirty days*)?

Rami bar Yechezkel said: Do not listen to those rules which my brother Yehudah stated in the name of Shmuel, for the following is what Shmuel said: It is whenever the child recognizes his mother.

The *Gemora* records an incident: A divorcee once came before Shmuel declaring her refusal to nurse her son. Shmuel said to Rav Dimi bar Yosef, “Go and test her.” He went and placed the mother among a row of women and,

taking hold of her child, carried him in front of them. When he came up to her, the child gazed at her face, but she turned her eyes away from him. Rav Dimi said to her, “Lift up your eyes, come and take your son.”

The *Gemora* asks: How does a blind child recognize its mother?

Rav Ashi said: By her smell and by taste. (59b3 - 60a1)

Human Milk and Blood

The *Gemora* cites a *Baraisa*: A child may be nursed until he is twenty-four months. From that age and onwards, he is to be regarded as one who is nursing an abominable thing (*the Rabbis forbade it*); these are the words of Rabbi Eliezer. Rabbi Yehoshua said: He may nurse even for four or five years. If, however, he ceased nursing after twenty-four months and started again, he is to be regarded as one who is nursing an abominable thing.

The *Baraisa* had stated: From that age and onwards, he is to be regarded as one who is nursing an abominable thing.

The *Gemora* notes a contradiction from a *Baraisa* which states (that milk and blood from a human being is Biblically and Rabbinically permitted; why does our *Baraisa* say that a child should not nurse after twenty-four months): As it might have been presumed that milk of those that walk on two legs is forbidden since such



[prohibition may be deduced from the following] logical argument: If in the case of a [non-kosher] animal in respect of which the law of contact has been relaxed¹ [the use of] its milk has nevertheless been restricted, how much more should the use of his milk be restricted in the case of a human being in respect of whom the law of contact has been restricted;² hence it was specifically stated: The camel because it brings up its cud [. . . it is prohibited for you], only 'it' is prohibited; but the milk of those that walk on two legs, however, is not prohibited, but permitted. As it might also have been presumed that only [human] milk is excluded because [the use of milk] is not equally [forbidden] in all cases but that [human] blood is not excluded since [the prohibition of eating blood] is equally applicable in all cases, hence it was specifically stated, it, only 'it' is forbidden; human blood, however, is not forbidden but permitted. And [in connection with this teaching] Rav Sheishes has stated: Even [a Rabbinical] ordinance of abstinence is not applicable to it! — This is not a difficulty! Human milk is permitted for consumption when it has been separated from the woman's breast, whereas the *Baraisa* which prohibited nursing after twenty-four months is referring to nursing directly from the woman's breast.

The *Gemora* notes: The reverse is true regarding human blood. If the blood is separated from the human body, it is forbidden (*because people will say that it is blood from an animal*); if, however, the blood is between his teeth, he is permitted to suck without any concerns (*for no one sees him eating it*). (60a1 – 60a2)

The master had stated: Rabbi Yehoshua said: He may nurse even for four or five years. — But it was taught in a *Baraisa*: Rabbi Yehoshua said: [It is permitted] even if he [is so old that] he carries his bundle on his shoulders!? This and this are the same limit.

¹ Contact with a live animal, even of the non-kosher classes, does not cause tumah.

Rav Yosef said: The halachah is in agreement with Rabbi Yehoshua. (60a2)

Nursing from a Goat on Shabbos

The *Gemora* cites a *Baraisa*: Rabbi Marinus says: One who is groaning (*due to a pain in his heart resulting in shortness of breath*) is permitted to nurse milk directly from a goat on *Shabbos* (*which is known to heal this condition*).

The *Gemora* explains its reasoning: Nursing is an act of unusual extracting (*which is only Rabbinically prohibited*), and where pain is involved, no preventive measure has been enacted by the Rabbis. (*Extracting is a sub-category of threshing, where one extracts the grain from the covering in which it grew; milking an animal with one's hand would be Biblically prohibited since he is extracting the milk from the animal's udder; however, nursing directly from the animal is not the ordinary manner and therefore, it is only Rabbinically forbidden.*)

Rabbi Yosef stated: The *halachah* is in agreement with Rabbi Marinus. (60a2 – 60a3)

Fixing a Gutter

The *Gemora* cites a *Baraisa*: Nachum Ish Galya said: If straw collected in a gutter (*and thus prevents the proper flow of the water*), it is permissible to crush it with one's foot in private on *Shabbos*, and he does not need to be concerned about the matter. What is the reason? Since this repair is carried out in an unusual manner and when a financial loss is involved, the Rabbis did not enact any preventive measure.

² Contact with a niddah, for instance, causes tumah.

Rabbi Yosef stated: The *halachah* is in agreement with the ruling of Nachum Ish Galya. (60a3)

Ceased to Nurse

The *Baraisa* had stated: If, however, he ceased nursing after twenty-four months and started again, he is to be regarded as one who is nursing an abominable thing.

The *Gemora* asks: When will it be considered that he stopped nursing?

Rav Yehudah bar Chaviva answered in the name of Shmuel: If the child stopped nursing for three days. An alternative version is that Rav Yehudah bar Chaviva taught a *Baraisa* in front of Shmuel: three days. (60a3)

Marrying a Nursing Mother

The *Gemora* cites a *Baraisa*: A nursing mother whose husband died within twenty-four months of the birth of their child shall neither be betrothed nor married again until the completion of the twenty-four months (*were she to marry sooner and happen to become pregnant, she would be compelled to wean her child prematurely*); these are the words of Rabbi Meir. Rabbi Yehudah however, permits her to remarry after eighteen months (*a sufficient enough time for a child to be nursed*).

Rabbi Nosson bar Yosef said: Those (*the words of Rabbi Meir*) surely, are the very words of Beis Shammai and these (*the words of Rabbi Yehudah*) are the very words of Beis Hillel; for Beis Shammai ruled: Twenty-four months, while Beis Hillel ruled: Eighteen months.

Rabban Shimon ben Gamliel replied: I will explain: According to the opinion who holds that a child should nurse for twenty-four months, a nursing mother is permitted to remarry after twenty-one months, and according to the opinion that a child should nurse for

eighteen months, she may remarry after fifteen months. This is because a nursing mother's milk deteriorates only after three months of pregnancy.

Ulla said: The *halachah* follows the opinion of Rabbi Yehudah. Mar Ukva said: Rabbi Chanina permitted me to remarry a nursing mother after fifteen months.

The *Gemora* records an incident: Abaye's sharecropper once came to Abaye and asked him, "Is it permissible to betroth a nursing woman after fifteen months?" Abaye answered him: "firstly, whenever there is disagreement between Rabbi Meir and Rabbi Yehudah, the *halachah* follows the opinion of Rabbi Yehudah, and furthermore, in a dispute between Beis Shammai and Beis Hillel, the *halachah* follows the opinion of Beis Hillel. And Ulla said: The *halachah* follows the opinion of Rabbi Yehudah. Mar Ukva had stated: Rabbi Chanina permitted me to remarry a nursing mother after fifteen months. Certainly, there is no need for you to wait longer than that since you only intend betrothal (*and there is no actual concern that she will become pregnant and be forced to wean her child*)."

When Abaye came before Rav Yosef, Rav Yosef told him: Both Rav and Shmuel maintain that a nursing woman is required to wait twenty-four months, not including the day on which the child was born, and not including the day of *erusin*. Thereupon, Abaye ran three *parsaas* after him, and some say one *parsah* along sand mounds, but failed to overtake him.

Abaye said, "The statement made by the Rabbis that even a simple question about the permissibility of eating an egg with *kutach* (*a mixture containing milk*), a man shall not decide in the vicinity of his teacher was not due to the fact that this might appear disrespectful; but rather, it is because a student would have no success in dealing with the matter correctly. For I have, in fact, learned the tradition of Rav and Shmuel, and yet, I did not merit applying it."

The *Gemora* cites a related *Baraisa*: If a nursing mother gave her child to a wet nurse or she weaned him, or if the child died, she is permitted to remarry immediately.

Rav Papa and Rav Huna son of Rabbi Yehoshua intended to issue a practical decision in accordance with this *Baraisa*, but an elderly woman said to them, "I have been in such a position and Rav Nachman forbade me to remarry (*until the conclusion of the twenty-four months*)."

The *Gemora* asks: Surely, this could not have been so, for has not Rav Nachman in fact permitted such remarriage in the house of the Reish Galusa (*after the widows had given their children over to wet nurses*)?

The *Gemora* answers: The [widows of the] house of the Reish Galusa was different from ordinary people because no nurse would break her agreement with them. (*In the case of ordinary people, however, the nurse might well change her mind at any moment and the child would consequently have to fall back upon the nursing of his own mother. Should she then happen to become pregnant, the child would be in danger of starvation.*)

Rav Papi said to them: Could you not have inferred it (*that the woman should be forbidden to remarry*) from the following *Baraisa*: A woman who regularly goes to her father's house (*and was there for an extended period of time prior to her husband's death*), or she was angry with him (*prior to her husband's death and didn't have relations with him*), or her husband was in jail, or her husband was old or sick, or if she was sick, or if she miscarried after her husband's death, or if she was a barren woman, or if she was old, or a minor, or an *aylonis*, or she was infertile, she is nevertheless required to wait three months before remarrying. These are the words of Rabbi Meir. Rabbi Yosi said: She is permitted to marry immediately. Rav Nachman stated in the name of Samuel:

The *halachah* follows the opinion of Rabbi Meir in respect of his restrictive measures!

They answered him: This *Baraisa* did not occur to us.

The *Gemora* concludes: The law is that if the child died, the widow may remarry immediately, but if she has weaned him, she is forbidden.

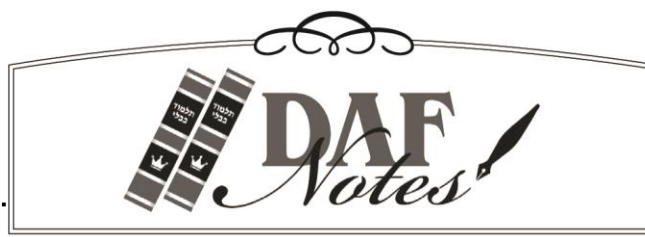
Mar son of Rav. Ashi ruled: Even if the child died, the widow is forbidden to remarry immediately because there is a concern that she will kill her child in order to be in a position to remarry. It once actually happened that a mother strangled her child. This incident, however, is no proof. That woman was an imbecile, for it is not likely that sane women would strangle their children. (60a3 – 60b2)

Our Rabbis taught in a *Baraisa*: If a woman was given a child to nurse, she must not nurse together with it either her own child or the child of any friend of hers. If she agreed to a small allowance for food, she must nevertheless eat a lot. While in charge of the child, she must not eat things which are injurious for the milk.

Now that you said [that she must] not [nurse] 'her own child' was there any need [to state] 'nor the child of any friend of hers'? — It might have been assumed that only her own child [must not be nursed] because owing to her affection for it she might supply it with more [than the other child] but that the child of a friend of hers [may well be nursed] because if she had no surplus [of milk] she would not have given any at all. Hence we were taught [that even the child of a friend must not be nursed].

'If she agreed to a small allowance for food, she must nevertheless eat a lot'. - From where? — Rav Sheishes replied: From her own.

'While in charge of the child she must not eat things which are injurious'. What are these? — Rav Kahana replied: For



instance, hops, grain sproutings, small fish and earth. Abaye said: Even squash and quince. Rav Pappa said: Even palm shoots and unripe dates. Rav Ashi said: Even kutach and fish-hash.

Some of these cause the flow of the milk to stop while others cause the milk to become turbid.

A woman who has marital relations near a mill will have epileptic children. One who has marital relations while laying the ground will have children with long necks. [A woman] who treads on the excrement of a donkey will have children who lose their hair. One who eats mustard will have children who are gluttons. One who eats cress will have blear-eyed children. One who eats small fish brine will have children with blinking eyes. One who eats clay will have ugly children. One who drinks beer will have dark children. One who eats meat and drinks wine will have children who are healthy. One who eats eggs will have children with big eyes. One who eats fish will have graceful children. One who eats celery will have beautiful children. One who eats coriander will have stout children. One who eats esrog will have fragrant children.

The daughter of King Shapur, whose mother had eaten esrog [while she was pregnant] with her, used to be presented before her father as his principal perfume. (60b3 – 61a1)

INSIGHTS TO THE DAF

Timtum

The *Gemora* cites a *Baraisa*: A child may be nursed until he is twenty-four months. From that age and onwards, he is to be regarded as one who is nursing an abominable thing (*the Rabbis forbade it*); these are the words of Rabbi Eliezer. Rabbi Yehoshua said: He may nurse even for four or five years. If, however, he ceased nursing after twenty-

four months and started again, he is to be regarded as one who is nursing an abominable thing.

The Rashba asks: Something that is forbidden on a Biblical level, we are not permitted to provide for a child; however, there is no prohibition to give a child something that is only Rabbinically prohibited. Why would it be forbidden to let the child nurse?

Rav Elyashiv adds: Here, there is not even a Rabbinical prohibition!

He answers: We find that there is a halachic stringency not to allow a child to nurse from an idolater; this may result in *timtum*. So too, when a child is beyond the age where he should be nursing, if we allow him to nurse, it can lead to *timtum*.

There is a discussion amongst the Poskim if one eats a permitted item in a time that it is prohibited to eat (*such as Yom Kippur, prior to davening or kiddush etc.*); does that eating result in *timtum* or not. However, in our case, Rav Yitzchak Zilberstein asks: The milk is not a forbidden item at all! If we would extract the milk and place it into a utensil, it would be permitted for consumption; the prohibition is only when the child is nursing directly from the mother. Why should we assume that this may result in *timtum*?

Changes Due to a Leap Year

An infant suckles: A nursing mother is forbidden to re-wed till her infant becomes two years old (Yevamos 42a; Shulchan 'Aruch, E.H. 13:11) lest she become pregnant and cut off the source of her infant's sustenance while her husband, who is not the infant's father, won't see to alternative food. In a leap year, the author of Terumas HaDeshen writes (Responso, 216), she must wait 25 months, as the Gemara explains that the suckling period is two years and in the leap year the suckling period is

prolonged according to the year! (We should point out that the Remo ruled the halachah only “to worry as a first preference” while others disagree; see Pischei Teshuvah, *ibid*, S.K. 16, and Responsa Chasam Sofer, E.H. 137). (Meoros HaDaf Yomi Vol. 296)

DAILY MASHAL

All about Fish

By: Rabbi Eytan Feiner

The *Munkatcher Rebbe*³ cites the statement of the *Arizal* that *tzaddikim* whose souls need a slight *tikkun* reincarnate as fish.⁴ But how could that be? Did not the *Maharal* posit that fish are the most inferior of all living creatures? From the writings of the *Arizal*, we are certainly led to understand that the forms assumed by returning souls (*gilgulim*) vary depending on the individual’s piety. A righteous person should thus, ostensibly, reincarnate as the highest form of creation as opposed to the lowly fish.⁵

Perhaps, though, we are peering through the wrong lens. If someone departed from the world a true *tzaddik*, then

he left us already basically complete, yet a miniscule *tikkun* might, however, still be required. If G-d has the somewhat perfect *tzaddik*’s soul return briefly to our world, then the only really appropriate form he could assume would be the somewhat perfect fish. The fish was created from the start already in a completed state, and found its place in the domain of G-d for a given purpose. Likewise, the *tzaddik* is returning already complete but for a trifling deficiency; for the small remaining piece still needed for the finishing touch, he too is placed in purely G-d’s domain to carry out one final task.

³ *Divrei Torah*, vol. 3, #9. See also *Eizor Eliyahu* (author of *Sheivet HaMussar*), p. 178. The *Arizal* adds that this is yet another reason why there is a *mitzvah* to eat fish on *Shabbos*. Especially if one were to eat many small fish, it is very likely that at least one of the fish contains a *nitzutz* of a *neshama kedosha*. (For numerous other reasons for fish consumption on *Shabbos*, see *Mateh Moshe* (OC”H, *siman* 404); *Si’dai Chemed*, *ma’areches Rosh HaShana*, *siman* 2 (#3- *u’bita’am*”), quoting the *Toras Chaim* in *Eiruvim*; *Sefer Mat’amim* (“*dagim*”), pp. 27-29; and R’ Reuven Kamil’s *Sha’ar Reuven*, *siman* 18 (p. 201, note 10). See also *Shulchan Lechem HaPanim*, *siman* #242, and see footnote 70 of this essay. In addition, see *Pardeis Yosef*, *parshas Shemini*, 11:9.) Parenthetically, with regard to eating small fish, we also find (*Brachos* 40a) that they strengthen man’s body. However, because they are detrimental to a woman nursing (*Kesuvos* 60b), explains the *Divrei Shaul* (on *Yuma* 75a), the taste of fish was not included with all others in the heavenly *manna*.

⁴ Our forthcoming explanation could perhaps also explain why we find that *tzaddikim* are, at times, compared to fish. See, for example, the *Chasam Sofer*’s insight on *Shabbos* (77b) appearing in the *Likutei HaShas* printed at the back of *Drashos Chasam Sofer*, vol. 3; R’ Chaim Falaji’s *Yismach Chaim*, *ma’areches “daled,”* #16 (quoting the *Megaleh Tzefunos*); and the *Sheim MiShmuel*, *Shabbos Shuva* (5672, p. 87), quoting the *Zohar*. See also the comments of the *Kli Yakar* on *Beraishis*, 1:20.

⁵ I subsequently found that the *Yismach Moshe* (*parshas Vayeira*-cited in *Ta’amei HaMinhagim*, *Inyanei Shabbos* (*kuntrus acharon*, 305:41)) also quotes the *Arizal* and then draws the distinction between *tzaddikim ketanim* and *gedolim*; the ‘great’ *tzaddikim* certainly don’t need any correcting, and therefore the *Arizal* was only referring to those lesser *tzaddikim* who still need to return for a minor *tikkun*. Not all agree though. Concerning the idea of why even a *tzaddik gammur* might reincarnate, see the *mekubal*, R’ Chaim *HaKohen’s Mekor Chaim* on *Shulchan Aruch*, *Hilchos Tzitzis*, *siman* 15 (#3, and see also #1).