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Fixed Period

If a woman was accustomed to discharge blood on every fifteenth day (*at least three times*), and this was changed once to the twentieth day, marital relations are forbidden on both dates. [*It is forbidden on the fifteenth which is the date of her fixed period, for her menses are anticipated to begin on that day, and it is also forbidden on the twentieth, since it is possible that from now on that day would become her regular period. If in the third month, also she experiences the discharge on the twentieth, she thereby establishes a new fixed period and from then on, only the twentieth is forbidden, while the fifteenth becomes permitted.*] If this was changed twice to the twentieth day, marital relations are again forbidden on both dates. If this was changed three times to the twentieth day, the fifteenth day becomes permitted, and the twentieth day has been established for her (*as her fixed period, and marital relations would thus be prohibited*), for a woman does not establish a fixed period for herself until she establishes (*a certain day*) for three times, and a woman is not “purified” from her fixed period until that day is uprooted from her three times. (63b)

It was stated: If a woman discharged menstrual blood on the fifteenth of one month, the sixteenth of the next month, and the seventeenth of the third month, Rav says she has established a fixed period for progressing (*when she anticipates her period, and therefore marital relations would be forbidden on the eighteenth of the fourth month and the nineteenth of the fifth month etc.*). Shmuel says: She has to see one more time (*the eighteenth of the fourth*

month, for then there would have been three intervals forming a pattern) until this is established.

The *Gemora* suggests that they argue about the same issue which is argued between Rebbe and Rabban Shimon ben Gamliel (*whether a chazakah - a presumption - is established after an act occurs two times or three times*), for it was taught in a *braisa*: If a woman was married to one husband who died, and to a second one who also died, she must not get married to a third (*for it is now presumed that she causes her husbands to die*); these are the words of Rebbe. Rabban Shimon ben Gamliel said: She may be married to a third, but she may not get married to a fourth.

The *Gemora* disagrees with that line of reasoning, and states that all may concede that the law is in accordance with Rabban Shimon ben Gamliel (*that a presumption is established only after an act occurs three times*), but the following is the principle on which they differ here: Rav maintains that the fifteenth day is included in the count (*and therefore, there are three occurrences*), while Shmuel holds that the fifteenth, since the discharge on it was not in progression (*from the previous occurrence*), is not included in the count.

They asked on Rav from the following *braisa*: If a woman had been accustomed to observe her discharge on the fifteenth day, and this (*on one month*) was changed to the sixteenth, marital relations is forbidden on both days. [*It is forbidden on the fifteenth which is the date of her fixed period, for her menses are anticipated to begin on that day, and it can only be nullified through a discharge on a different interval day for three consecutive months. It is*

also forbidden on the sixteenth, since it is possible that from now on that day would become her regular period.] If (on the following month) this was changed to the seventeenth day, marital relations on the sixteenth is again permitted (for we have no suspicion any longer that she will see on the sixteenth), but on the fifteenth and the seventeenth it is forbidden. If (on the following month) this was changed to the eighteenth, marital relations is again permitted on all those days, and it is forbidden only on the day after the eighteenth and onwards (on the nineteenth of the next month, the twentieth of the one following it, and so on in progression in each succeeding month). Now doesn't this (that only three occurrences cause the nullification of the old period, and the establishment of a new settled period, the first occurrence is obviously not counted) present a difficulty to Rav (who ruled that even a change on two dates in progression nullifies the old, and establishes a new settled period)?

The Gemora answers: Rav can maintain that where a woman was accustomed to discharge on a certain date (such as the braisa's case, where she always saw on the fifteenth), the law is different. [In the braisa's case, the first of the dates under discussion are connected to her initial pattern of discharging (on the fifteenth) and therefore could not be counted as the first of the "progressional dates." In the case dealt with by Rav, however, either the first of the dates under discussion was one on which the woman observed a discharge for the very first time, or the woman was one who had never before had a fixed period, or one whose fixed period was on a day other than the first of those under discussion. The first day, therefore, may well be counted as one of the three days that establish a fixed period.]

The Gemora asks on Shmuel from the following braisa: If she observed a discharge on the twenty-first day of one month, on the twenty-second of the next month and on the twenty-third of the third month, she has thereby established for herself a fixed period. If she skipped over to the twenty-fourth day of the month (instead of the

twenty-third), she has not established for herself a fixed period. Doesn't this (the first case, where three observations, including the first one, establish a fixed period) present a difficulty to Shmuel (who maintains that no fixed period in progression can be established unless the discharge appeared on three dates besides the first one)?

The Gemora answers: Samuel can say that the braisa is dealing with the case of a woman, for instance, who was accustomed to observe her discharge on the twentieth day, and this was changed to the twenty-first (so that the change actually occurred three times (on the twenty-first, twenty-second and twenty-third) on dates in progression besides the first date which was the twentieth). (64a)

The Mishna had stated: For a woman does not establish a fixed period for herself until she establishes (a certain day) for three times.

Rav Pappa said: This was said only in regard to the establishment of a fixed period, but regarding the taking of the possibility of a discharge into consideration (to treat the date on which a discharge appeared in one month as one on which marital relations are forbidden in the next month), one occurrence suffices (and if, for instance, she observed a discharge on the fifteenth of one month, marital relations are forbidden on the same date in the next month).

The Gemora asks: But what is he teaching us, seeing that we have learned in our Mishna that if a woman was accustomed to discharge blood on every fifteenth day (at least three times), and this was changed once to the twentieth day, marital relations are forbidden on both dates?

The Gemora answers: If the inference had to be made from there, it might have been presumed that the ruling applied only where the woman was still within her niddah period (as is the case in our Mishna, where the discharge occurred on the fifteenth day after immersion, which is the fourth

day (11 days of zivah + 4 days of the 7 of niddah = 15) of a niddah period; therefore, we can apply the restriction for the next fifteenth day, which is also within her niddah period), but where she is not within her niddah period (but rather, in the zivah period; where, for instance, her discharge appeared on the tenth day after immersion, which is still within the eleven days of a zivah period that follows that of the seven days of niddah), she does not need to consider the possibility of a discharge (since the zivah period is one during which a discharge is unusual, and therefore, marital relations should not be forbidden); therefore we were informed that even in the latter case, the possibility of a discharge must be taken into consideration. (64a)

The *Mishna* had stated: A woman is not “purified” from her fixed period until that day is uprooted from her three times.

Rav Pappa said: This, that it is necessary for the change to recur three times before a fixed period can be nullified, was said only where a fixed period had been established by three regular occurrences, but one that was established by two recurrences only, may be nullified by one change.

The *Gemora* asks: But what is the novelty of that, seeing that we learned in the *Mishna* that a woman does not establish a fixed period for herself until she establishes (a certain day) for three times?

The *Gemora* answers: It might have been presumed that one occurrence is required for the nullification of one, and two would be required for two, and three would be required for three, we were therefore informed that even for two occurrences, only one is required.

The *Gemora* cites a *braisa* in agreement with Rav Pappa: If a woman was accustomed to observe her menstrual discharge on the twentieth day, and this was changed to the thirtieth, marital relations are forbidden on both days.

If the twentieth day arrived and she observed no discharge, she is permitted to engage in marital relations until the thirtieth, but must consider the possibility of a discharge on the thirtieth day itself. If the thirtieth day arrived and she observed a discharge, the twentieth (of the next month) arrived and she observed none, the thirtieth (of the next month) arrived and she observed none, and the twentieth (of the next month) arrived and she observed one, the thirtieth (of the next month) becomes a permitted day (because, although in the course of two months a discharge appeared on it, there was none in the third one, and one change suffices to release the woman from its restrictions), and the twentieth becomes a forbidden one, because the menses comes in its usual time. (64a - 64b)

Women in regard to their virginity are like vines. One vine may have red wine, while another has black wine; one vine may yield much wine while another yields little. Rabbi Yehudah stated: Every normal vine yields wine, and one that yields no wine is but a *dorketi* (a grape that yields no wine and is used for eating only).

It was taught in a *braisa*: [*Dorketi is*] A generation cut off (for a woman who has no blood of virginity cannot have children).

Rabbi Chiya taught a *braisa*: Just as yeast is wholesome for the dough, so is menstrual blood wholesome for a woman. A *braisa* was taught in the name of Rabbi Meir: Every woman who has an abundance of menstrual blood has many children. (64b)

WE SHALL RETURN TO YOU, HA'ISHAH

CHAPTER X

MISHNAH: If a young girl, whose age of menstruation has not arrived, married, Beis Shammai ruled: she is allowed¹

¹ For marital intercourse.

four nights,² and Beis Hillel ruled: until the wound is healed. If the age of her menstruation has arrived and she married, Beis Shammai ruled: she is allowed the first night, and Beis Hillel ruled: four nights, until the exit of the Shabbos. If she had observed a discharge while she was still in her father's house, Beis Shammai ruled: she is only allowed the obligatory marital intercourse,³ and Beis Hillel ruled: all that night. (64b)

GEMARA: Rav Nachman bar Yitzchak explained:⁴ Even if she already observed a discharge.⁵ From where is this inferred? — Since in the final clause a distinction is drawn between one who did and one who did not observe a discharge it follows that in the case in the first clause no distinction is made between the one and the other. So it was also taught: Beis Hillel ruled: Intercourse is allowed until the wound is healed irrespective of whether she already did or did not observe a discharge.

Until the wound is healed. For how long? — Rav Yehudah replied: Rav said, 'So long as it discharges matter', but when I mentioned this in the presence of Shmuel the latter said to me, 'I do not know what that "discharging" exactly means; rather explain. So long as spittle is engendered in the mouth⁶ on account of intercourse'.⁷ How is one to understand the 'discharging' of which Rav spoke? — Rav Shmuel son of Rav Yitzchak replied. This was explained to me by Rav: If when standing she observes a discharge and when sitting she does not observe one, it may be known that the wound has not healed; if when lying on the ground she observes a discharge and when lying on cushions and bolsters she does not observe one, it may be known that

the wound had not healed; and if when lying on any of these she either observes a discharge or does not observe one, it may be known that the wound is healed. (64b)

If the age of her menstruation has arrived etc. It was stated: If she had intercourse in the day time,⁸ Rav ruled, She has not lost thereby the right to intercourse during the nights. But Levi ruled, She has thereby lost the right to intercourse in the nights. Rav ruled, 'She has not lost thereby the right to intercourse during the nights', because we learned, until the exit of the Shabbos.⁹ 'But Levi ruled, She has thereby lost the right to intercourse in the nights', for the meaning of four nights mentioned is four onahs.¹⁰ But according to Rav¹¹ what was the purpose of mentioning four nights? — We were thereby informed of what is regarded as good manners, viz., that intercourse should take place at night. But according to Levi¹² it should only have been stated four nights, what was the purpose of saying, until the exit of the Shabbos? — It is this that we were informed:¹³ That it is permitted to perform the first marital intercourse on the Shabbos, in agreement with a ruling of Shmuel; for Shmuel ruled: It is permissible to enter through a narrow breach¹⁴ on the Shabbos although one causes pebbles to fall.¹⁵

It was stated: If a man had marital intercourse¹⁶ and found no blood but, having repeated the act,¹⁷ he found blood, Rabbi Chanina ruled: The woman is tamei;¹⁸ but Rabbi Assi ruled: She is tahor. Rabbi Chanina ruled: The woman is tamei, for if it were the case that the blood was that of virginity it would have issued on the first occasion. But Rabbi Assi ruled: She is tahor, because it is possible that

² Though blood appeared, it is assumed to be that of injured virginity which, unlike menstrual blood, is tahor.

³ But no more, since the blood may possibly be that of menstruation.

⁴ The ruling of Beis Hillel in the first clause of our Mishnah.

⁵ Before marriage, when she was still in her father's house. Even in such a case, since the age of menstruation had not yet arrived, Beis Hillel allow intercourse until the wound is healed.

⁶ The vaginal canal.

⁷ Sc. when intercourse is accompanied by bleeding.

⁸ Lit., 'in the days', the four days following marriage.

⁹ Implying both the intervening days and the intervening nights.

¹⁰ An onah (period) being either a day or a night.

¹¹ Who allows intercourse during both the days and the nights.

¹² Who allows no more than four onahs.

¹³ By the statement mentioned, from which it follows that if intercourse had taken place on two weekday onahs only the night and the day of the Shabbos are also permitted onahs.

¹⁴ After the two acts of intercourse the opening is still narrow.

¹⁵ Injures virginity.

¹⁶ With a virgin, for the first time.

¹⁷ Within the following four nights.

¹⁸ The blood being deemed to be menstrual.

something unusual may have happened to her, in accordance with a statement of Shmuel; for Shmuel stated, 'I could perform a number of acts of intercourse without causing any bleeding'. And the other?¹⁹ — Shmuel is different from ordinary people since his capability was great. (64b)

Rav stated: A woman who has reached her maturity is²⁰ allowed²¹ all the first night. But this applies only to a woman who had never yet observed a discharge, but if she did observe one she is permitted the obligatory act of intercourse only and no more. An objection was raised: It once happened that Rebbe allowed a woman intercourse on four nights in twelve months.²² Now how is one to understand his ruling? If it be suggested that he allowed her all these nights during the period of her minority the objection would arise: Have we not learned: until the wound is healed? If, however, it is suggested that he allowed her all the nights during the period of her na'arus the difficulty would arise: Does na'aruth ever extend over twelve months, seeing that Samuel had stated: The period intervening between the commencement of na'arus and maturity is only six months? And should you suggest that the meaning is that the period is not shorter but may be longer it could be retorted: Did he not in fact state 'only'?²³ If, however, it is suggested that he allowed her two nights during the days of her minority and two during her na'arus, the difficulty would arise: Didn't Rav Chinana bar Shelemya once ask Rav, 'what is the ruling where her age of menstruation arrived when she was already under the authority of her husband?' and the other replied: All acts of intercourse which one performs are regarded as one act

only and the other make up the four nights?²⁴ Consequently this must be a case where he allowed her one night during her minority, two nights during her na'arus period and one night during the days of her maturity. Now if you grant that a woman of mature age generally is allowed²⁵ more than one night one can well see the justification for the ruling; for, as intercourse during minority has the effect of reducing one night during her na'arus period, so intercourse during the na'arus period has the effect of reducing one night during her maturity; but if you maintain that a woman of mature age generally is not allowed more than one night, should he not have allowed her²⁶ but one act of the obligatory marital intercourse and no more?²⁷ — The fact is that he allowed her one night during her minority and three nights during her na'arus period,²⁸ but²⁹ it was not as you think that every three months represented a period; every two months rather represented a period. (64b – 65a)

INSIGHTS TO THE DAF

The hour in Torah law

Who divided the day into 24 hours? This question is not merely scientific or historical. It is disagreed upon by Torah leaders over the generations, who wanted to clarify if the basis of the hour division lies in the halachos of the Torah or if it is merely a silent agreement accepted by everyone. In the past the day and night were each divided into 12 hours, with no regard to their length. The day was divided into *sha'os zemaniyos*: in the winter a daytime hour was short and a night hour was long and in the summer vice versa. When the mechanical clock was adopted, the day

¹⁹ Rabbi Chanina. How in view of Samuel's statement can he maintain that the blood must be menstrual?

²⁰ Even according to Beis Hillel.

²¹ For intercourse despite the possibility of bleeding.

²² The husband having departed for three months after each of the first three acts of intercourse every one of which has been accompanied by bleeding. Despite the length of time Rebbe regarded the bleeding to be due to virginity.

²³ He did, thus implying that the period cannot be longer than six months.

²⁴ Why then did Rebbe allow only two (instead of three) nights during her na'arus period?

²⁵ If she married after attaining the age of maturity.

²⁶ The woman who, as explained, had been allowed some nights during her minority and na'arus periods.

²⁷ How then could he ignore completely all previous intercourse and allow her a full night?

²⁸ So that the question of maturity does not arise at all.

²⁹ As to the objection, How is it possible for three three-monthly periods to be included in the one six-monthly period of na'arus?

was divided into 24 equal hours. One way or another, we still don't know how and when it was determined that the day should be divided into 24 parts called "hours".

The hour is an invention of astronomers: HaGaon Rabbi Yehonasan Eibeshitz zt"l contends (*Urim Vetumim*, 30, S.K. 12) that the hour was the invention of ancient astronomers. He expresses his opinion in view of the Gemara's statement that a *beis din* must examine witnesses with seven *chakiros* (investigative questions), one question being, at what hour did the event about which they testify happen. Rabbi Eibeshitz writes that this question is not required by the Torah and couldn't be from the Torah as the hour is only an invention of scientists and the Torah recognizes the division of the day and night into only two parts: midday and midnight. Therefore, from the

Torah it suffices to question the witnesses as to if the event occurred before noon or midnight, or afterwards. The author of *Or Sameiach* zt"l (*Hilchos 'Eidus* 1:4) strengthens his statement: "It is a wonderful and true thing...that the 12 hours are not learnt from a verse nor are they halachah from Moshe from Mount Sinai - that halachos of the Torah should be determined according to them."

A six-hour day: The author of *Pnei Yehoshua'* expresses a most interesting opinion (last edition, Berachos 3a, printed at the end of the work). In his opinion, "That which we divide the day into 24 hours we haven't found explicitly in the Torah, as it seems more from the simple meaning of the verses that the day and night are only divided into 12 hours, as this depends on the calculation of the 12 Zodiac constellations (*mazalos*)." In his opinion, then, if from the Torah we would divide the day into hours, it would be divided into six hours by daytime and six hours by night! However, some disagree and maintain that the division of the day into 24 hours is from the Torah.

The hour – a division from the Torah: The Chazon Ish zt"l writes (in his letter to HaGaon Rav A. Platzensk in *Shelom Yehudah, Mo'ed*, §5) that "the Torah divided the entire day, composed of daytime and nighttime, into 24 parts

and we call each part an 'hour'." He finds a basis for such in that some of the secrets of the Jewish calendar (*sod ha'ibur*) given to Moshe at Mount Sinai (Rosh HaShanah 25a) include the knowledge that the (average) duration between new moons is 29 days, 12 hours, 44 minutes and one *cheilek* or, in short, 29½ days and 793 *chalakim* - out of 1,080 *chalakim* which comprise one hour, an hour being one 24th of a day. Thus the division of the day into 24 hours is included in the halachos of the Torah. Some mention as proof the Gemara in Sanhedrin 38b, which describes the order of the Creation on the sixth day - "That day had 12 hours" – and the Gemara describes what happened at every hour (see *Shelom Yehudah*, §7).

DAILY MASHAL

When R' Meir Shapiro was a young child, his mother hired a melamed to study with him. When she ran out of money to pay the melamed, she pawned her jewelry. "One day there was a big snowstorm and the melamed didn't come. R' Meir's mother cried for a very long time that morning. "Young Meir tried to reassure his mother. 'I'm sure the melamed will come tomorrow and we will make up what we missed today,' he said. "'Meir,' she replied, 'it is important that kvius (regularity) be maintained. It is a great loss to miss a day of learning. That's why I'm so sad!'" R' Meir Shapiro later gave his mother part of- the credit for his idea of introducing the concept of Daf Yomi.