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Niddah Daf 2

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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Tractate Niddah

An introduction by Meoros HaDaf HaYomi: A year and a half of learning *Seder Kodoshim* has ended. Today we start learning tractate *Niddah*, the only tractate in *Seder Teharos* with a Babylonian Talmud and the last tractate in Talmud Bavli. *Seder Teharos* is the largest of the six *Sedarim* of *Mishna* and its twelve tractates include all the topics pertaining to purity and impurity. It covers various sorts of impurity: *tumas meis* (a dead person), *tumas sheretz* and *neveilah* (dead creatures and animals), impure substances coming from people, *tumas nega'im* (tzara'as afflictions), the ways of becoming impure and the different *halachos* applying to those who became impure from various *tumos*, what can become impure, types of utensils, the *halachos* of food and drinks and the ways of purification: sprinkling the ashes of the red heifer, the *mikvah*, etc.

As we have no Talmud Bavli or Yerushalmi on the other tractates aside from *Niddah*, and as most of these *halachos* are not in practice since the destruction of the Temple, learners have paid little attention to *Seder Teharos* such that Rambam states in his preface to *Seder Teharos* that the *halachos* are “very difficult in themselves, bear numerous doubts and are remote from comprehension.” He continues to describe that also in Chazal’s era and even when the Temple stood, these *halachos* were not well understood and Chazal said about them, “Torah will in the future be forgotten from Israel” (Shabbos 138b). Chazal also mention *Seder Teharos* as the severest and most difficult *Seder* and when they wanted to emphasize that a certain subject is difficult and complicated, they said that it resembled *Nega'im* and *Oholos* (Chagigah 11a).

The Meiri writes (in his prefaces to *Shas* and to our tractate) that due to the great importance of our tractate, causing *Gemora* to be

composed only for it, the Geonim determined its place in *Seder Nashim*, and *Maseches Niddah* was learnt at the end of *Nashim*.

It is important to mention Rambam’s statement at the end of *Sefer Teharah* (Hilchos Mikvaos 12:12) about the *halachos* of *Seder Teharos*, that they are “the Torah’s decree and are not of the things decided by people and they belong to the *chukim* (mitzvos without logical explanation).” Still, we should know that purity raises a person to high levels, as Rambam asserts (at the end of his preface to *Seder Teharos*): “And they also said about purity and impurity that they are the body of Torah and how can they not be? They are the ladder and entry to *ruach hakodesh*, as they said: ‘Purity brings to sanctity’ (‘Avodah Zarah 20b).” The author of *Sefer HaChinuch* also discusses the issue at length and says (in mitzvah 159) that “There’s no doubt that it is only for their good and to keep all harm from them.” Even if the real meaning of this is unclear to us, he divulges a little: “it is viable that impurity harms the soul and makes it ill...that the wellsprings of intelligence, which are the eternal soul, become somewhat spoiled because of impurity”.

Mishna

[A woman who sees menstrual blood is rendered *tamei* (impure). Besides for reasons of family purity, the woman is also *tamei* regarding foods and objects that she has come in contact with. Nowadays, we are not careful with these types of *tumos* (with the obvious exception of family purity). The *Mishna* and *Gemora* will be discussing how far back retroactively do we render those items *tamei*, if the woman experiences a discharge of blood.]

Shammai says that we do not need to go back retroactively at all. The food and objects begin to be considered *tamei* from the moment she experiences a discharge of blood (and we do not assume that the uterine walls have prevented other blood from

being discharged previously).

Hillel disagrees, and says that the items are considered *tamei* retroactively until the last time the woman has examined herself, even if it was many days ago.

The Sages felt that Shammai is too lenient, and Hillel is too stringent, and therefore say that the middle ground is correct. The most we can go back is twenty-four hours. If the last time the woman examined herself was many days ago, then we only suspect that the blood was discharged twenty-four hours ago. But if she examined herself within the last twenty-four hours (*and found herself to be clean*), then we do not assume that blood discharged before.

A woman who has experienced a discharge of blood three times at the exact same interval (*known as a veses kavua – a fixed period*) does not need to worry that perhaps blood discharged earlier, since she is accustomed to seeing at the same time.

A woman, who has had marital relations with her husband, and before and after the intercourse she examines herself with a clean cloth, can follow the Sages' "middle ground opinion," and we do not render food and objects *tamei* from the morning, but rather from the time of intercourse when she last examined herself.

What is an example of a women who doesn't have to go back retroactively with her food and objects? A woman who was sitting on a couch and was touching food and objects which are *tahor*. She later left the bed and discovered blood (*internally*). Only she herself is now considered *tamei*, but the food and objects remain *tahor*.

Even though the Sages have said that she should go back twenty-four hours to render the food and objects *tamei*, nevertheless, she doesn't begin to count her days of *niddah* from the day before, but rather from the very day she actually experienced the discharge of blood. (2a)

Chazakah – Presumed State

The *Gemora* notes that Shammai's reasoning for being lenient and not requiring the woman to go back retroactively is the woman is presumed (*chazakah*) to be *tahor*, for that was her previous state

(*since the woman just saw now, there is no reason to assume that the blood was discharged earlier*). Hillel, however disagrees, and says that Shammai's logic of keeping something in its presumed state only applies to a case where there is no weakening factor (*where there actually is no reason to assume otherwise*), but concerning a woman – who sees from herself (*she is accustomed to discharge blood regularly*) – we cannot assume that she hasn't seen earlier.

[The *Gemora* now wants to compare the *halachah* of a woman (according to both Shammai and Hillel, who only differ on how far back do we have to go, but both agree that we do go back a certain amount of time), to a similar *halachah* concerning a *mikvah*.] The *Gemora* asks from the following *Mishna*: A *mikvah* that was measured and found to be deficient (*and now contains less than the minimum forty se'ah for it to be valid*), the *halachah* is that any objects that were prepared on the basis of this *mikvah* remain *tamei* (*and any tahor food they may have come in contact with, are all rendered tamei, until the last time we knew with certainty that the mikvah contained the right amount of water*). This is true regardless of whether the *mikvah* was situated in *reshus harabim* (*the public domain – where questionable tumah is considered to be tahor*), and whether the *mikvah* was situated in *reshus hayochid* (*a private domain*).

The *Gemora* explains the difficulty: According to Shammai (*who says the woman is only considered to be tamei from now on*), this *Mishna* presents a difficulty, since it says that any object that was immersed "in the past" in the *mikvah* remains *tamei*. And according to Hillel (*who says the woman is retroactively tamei until the last time she examined herself*), this *Mishna* is also somewhat problematic, as Hillel only said that the food and objects are questionably *tamei*, that is, we can't eat those foods, but we don't burn them either, yet the *Mishna* concerning the *mikvah* said that everything is definitely *tamei*!?

[The *Gemora* now presents a logical difference between the cases of the woman and the *mikvah*.] The *Gemora* answers that the *mikvah's* case is different, since the object that was immersed there was *tamei* to begin with; accordingly, until we clearly know that the *mikvah* was valid we cannot change the object's status to *tahor*.

The *Gemora* interjects and says that just the opposite is true. We know that the *mikvah* was once valid. Accordingly, why do we

assume that it became deficient *after* the items were immersed?
Perhaps at the time of immersion the *mikvah* was still valid?

The *Gemora* answers that we can't use this argument, since in front of us lies a *mikvah* which is deficient. [*How can we assume that it was valid at the time of immersion?*]

The *Gemora* counters: The same argument applies to the woman: We now see blood before us; how can we then assume that she was clean beforehand?

The *Gemora* answers: But perhaps the woman just discharged the blood right now? [*Why should we go back retroactively?*]

The *Gemora* asks: We can say the same thing about the *mikvah* as well. Maybe it just now became deficient (*and the immersion of the objects was done in a valid mikvah*).

The *Gemora* answers that the two cases are not comparable: The *mikvah's* case is more severe, as it becomes deficient progressively. [*We have no way of telling at exactly which point the mikvah lost its status of being valid.*] But the woman sees blood at one instance, so we can be certain when she became *tamei*.

The *Gemora* asks: Actually, the woman is similar to the *mikvah*, for perhaps it as well is discharged progressively (*due to an excessive build-up of blood in her womb*). [*Therefore the original question remains: Why are we more lenient with the woman's case than with the mikvah?*]

The *Gemora's* final answer is that the *mikvah* has two weakening factors, while the woman has only one. [*In the mikvah's case (the items were tamei before the immersion, and also the mikvah itself is now deficient), but in the woman's case, there is only one weakening factor (only she is tamei). There is no reason to assume that the foods and objects she handles were tamei beforehand. Therefore we can be lenient with the woman, and not with the mikvah.*]

[**A similar question can be asked to Shammai (who said that we don't go back retroactively with the woman.) To introduce the question, we have to familiarize ourselves with the concept of *terumah*. Anyone who eats any fruits grown in Eretz Yisroel must first remove *terumos* and *ma'asros*. While *ma'aser* is an exact**

tenth of the produce, *terumah* is a small arbitrary amount that is given to the *Kohanim*. From the Torah's point of view, even one grain can exempt an entire silo. But the Sages have said that a person should ideally give 1/50th of the produce. One who is more generous can give 1/40th, and one who is stingier can give only 1/60th. *Terumah* can also be separated by thought. That is, one may have in mind to separate *terumah* from a particular container, and that should exempt the food that he's about to eat now in a different container.]

The *Gemora* asks from a *braisa* where someone wanted to drink wine, and to separate the *terumah* from a different barrel. When he later went over to that barrel to do the actual separation, he found that the wine has turned to vinegar, rendering it unusable for *terumah*. During the first three days after thinking about the *terumah*, we can assume that the wine remained wine. Afterwards though, it is questionable whether it was wine or vinegar. [*Rabbi Yochanan, in Bava Basra 96a, explains that during the first three days after it was found to be wine, the contents of the jug are regarded as being wine because in less than three days wine cannot turn into vinegar. Even if it began to turn sour immediately after the test, it could not be called vinegar until full three days had elapsed. The terumah given within those three days must inevitably have been wine and consequently have exempted the wine in the other jugs. After three days, the contents are regarded as doubtful wine, since it is possible that it turned into vinegar three days afterwards. As the terumah is accordingly of a doubtful nature, another portion must be set aside for the purpose. Rabbi Yehoshua ben Levi explains that during the last three days prior to the discovery that it had turned into vinegar; it is regarded as certain vinegar because the contents are deemed to be vinegar as soon as the wine begins to deteriorate. Prior to the three days, it is regarded as doubtful because it is unknown when the deterioration had begun.*]

According to Shammai however, we should always assume that it was wine, and only now did it become vinegar!?

[*The Gemora will now present a very similar process of arguments as was presented with the mikvah.*] The *Gemora* answers: There it is different, for there is a presumption that the *tevel* remained in that state, and it was not fixed (*and it is for that reason that we assume that it was vinegar at that time*).

The *Gemora* asks: On the contrary! Shouldn't the wine remain under the presumption that it did not become vinegar?



The *Gemora* answers: That cannot be the case, for it is vinegar before us!

The *Gemora* counters: The same argument applies to the woman: We now see blood before us; how can we then assume that she was clean beforehand?

The *Gemora* answers: But perhaps the woman just discharged the blood right now? [*Why should we go back retroactively?*]

The *Gemora* asks: We can say the same thing about the barrel as well. Maybe it just now became vinegary.

The *Gemora* answers that the two cases are not comparable: The case of the barrel is more severe, as it becomes vinegary progressively. But the woman sees blood at one instance, so we can be certain when she became *tamei*.

The *Gemora* asks: Actually, the woman is similar to the *mikvah*, for perhaps it as well is discharged progressively (*due to an excessive build-up of blood in her womb*).

The *Gemora's* final answer is that the barrel has two weakening factors, while the woman has only one. [In the barrel's case *the wine in the barrel was tevel, and also it is now vinegary*], but in the woman's case, there is only one weakening factor (*only she is tamei*). [*There is no reason to assume that the foods and objects she handles were tamei beforehand. Therefore we can be lenient with the woman, and not with the barrel.*] (2a – 2b)

INSIGHTS TO THE DAF

Shammai, Hillel, Beis Shammai and Beis Hillel

There's an extremely rare difference of opinions in the first *Mishna* of our tractate: "Shammai says...Hillel says..." There are many differences of opinion between Beis Shammai and Beis Hillel and here, in our *Mishna*, we are exposed to a difference of opinions between Shammai and Hillel themselves. The *Gemora* in Shabbos 15b counts only three differences of opinion between Shammai

and Hillel themselves, one of them being the difference of opinions in our *Mishna* (see there, that there were four differences of opinion).

A difference of opinions between Shammai and Beis Shammai: HaGaon Rav Y.A. HaLevi of Hamburg zt"l, author of Doros Rishonim and a great Torah scholar in the generation before the Holocaust, investigated extensively to understand who are "Beis" Shammai and "Beis" Hillel. Indeed, before he reaches his astonishing conclusion, he points out an amazing phenomenon: in those differences of opinion where Shammai and Hillel disagreed themselves the *halachah* was not ruled according to Hillel or Shammai and, as stated in our *Mishna*, "Chachamim say 'Not according to this one or the other'." Moreover, there are two differences of opinion between Shammai and Beis Shammai (Keilim 22:4 and Ma'aser Sheini 2:4). What does this mean?

The yeshivos of Beis Shammai and Beis Hillel: Rav Y.A. HaLevi concludes that "Beis Shammai" and "Beis Hillel" are not names for Shammai's and Hillel's students but for two big yeshivos which were called "Beis Shammai" and "Beis Hillel". Those yeshivos did not comprise only of students of Shammai and Hillel but other outstanding scholars studied there; the yeshivos were named after them as they headed them. As such, it is easy to understand that the differences of opinion between Beis Shammai and Beis Hillel sometimes opposed Shammai's and Hillel's own opinions. It's no wonder, then, that Shammai could disagree with Beis Shammai and how it happened that in a difference of opinions between Shammai and Hillel the *halachah* was decided according to neither of them as the "Chachamim", the scholars who learnt in the yeshivos of Beis Shammai and Beis Hillel, disagreed with Shammai and Hillel and concluded otherwise.

The highest Torah authority: Thereon he continues to a historical research about the process of establishing the two yeshivos. He proves from various sources that in the era of the conflict between Horkenos and Aristoblos, mentioned in Menachos (64b, etc.), the Romans, called by Horkenos to help him, gained control of the Jews and dispelled the Sanhedrin, which convened in Lishkas HaGazit (in the Temple courtyard) and ruled all Israel (see Shabbos, *ibid*: "Before the Temple was destroyed, the evil [Roman] kingdom spread over Israel"). At that time the position of Nassi of the Sanhedrin became meaningless and the leadership of the



generation was given over to Bnei Beseira (Pesachim 66a) and they gave it over to Hillel when he came from Babylonia. This position of nassi was not presidency over the great beis din of 71 elders in Yerushalayim, which was completely dispelled, but constituted a position similar to being the rosh yeshivah. So as not to anger the Romans, who dispersed the Sanhedrin and now would suspect that it was being established anew, another beis midrash was established, led by Shammai and thus there was no single great central beis midrash which would disturb the Romans and be considered as re-establishing the Sanhedrin (Doros Harishonim, II and III, cited in Vayar Menuchah, I, Ch. 3-4, and see Yesod HaMishna Va'arichasah by HaGaon Rav R. Margaliyos zt"l).

end of Shas, at the beginning of Brachos. The *Mishna* opens with the *halachos* of the evening kerias Shema' and only later addresses that of the morning and the *Gemora* wonders about the order. Why was this a question? After all, a bar-mitzvah boy first encounters the evening kerias Shema'! However, according to Tosfos, that adulthood usually appears in the morning, the question of the *Gemora* is clear (Asufos Rabeinu Chayim HaLevi, 1).

DAILY MASHAL

Seder Teharos

Ba'al HaTurim says on the verse "...for he was a son of his old age (zekunim)" (Bereishis 37:3) that the word zekunim hints at the sederim of the *Mishna* which Yaakov learnt with Yosef: Zera'im, Kodoshim, Nashim, Yeshu'os (Nezikin – see Shabbos 31a) and Mo'ed. It thus seems that they didn't have a chance to learn *Teharos* before Yosef was sold. On the other hand, the Imrei Emes of Gur zt"l said that a father's learning with his son does not suffice for *Seder Teharos*. To become pure, one must toil with much individual dedication (Ma'yanah shel Torah, Vayeishev).

Niddah – Ani - Poor

Tractate *Niddah* is known as one of the tractates named in general as "poor" - 'Ani ('Eiruvim, *Niddah*, Yevamos) and they are so called because few occupy themselves with them. However, not many know that the source of this siman is in the Zohar (in Ra'ya Meheimna, beginning of parashas Ki Seitzei) , which says that 'ani contains the initials of these tractates and that they "include" all the other tractates!

From Niddah to Brachos

According to the Beis HaLevi, Tosfos' statement that adulthood usually appears in the morning explains the *Mishna* at the other