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Niddah Daf 3

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Contrasting Mikvah and the Barrel

The *Gemora* asks that there is a contradiction between the ruling regarding the case of the *mikvah* with the ruling regarding the case of the barrel. In the case of a *mikvah* that was measured and found to be deficient, the *halachah* is that any objects that were prepared on the basis of this *mikvah* remain ‘definitely’ *tamei*. In the case of the barrel, however (where the wine turned into vinegar), we rule that it is ‘possible’ *terumah* (and not that it is definitely *tevel*)!?

Rav Chanina from *Sura* says that the *Tanna* who taught the *braisa* regarding the barrel is Rabbi Shimon, who also maintains that in the case of the *mikvah*, any objects that were prepared on the basis of this *mikvah* are ‘possibly’ *tamei* (and we wouldn’t actually burn the foods that were immersed in it; therefore, both the cases of the *mikvah* and the barrel are equal). Rav Chanina’s proof comes from a *braisa* which states that 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*. Rabbi Shimon, however, maintains that in *reshus harabim*, they are *tahor*, but in *reshus hayochid*, we suspend the ruling on these items (and they cannot be eaten or burned). (2b)

Source for the Tannaim

The *Gemora* notes that the source for this dispute is the *sotah* (a woman whose husband has warned her not to seclude herself with another man and she went and violated his warning). The Sages maintain that just like a *sotah* is questionable whether or not she actually committed adultery, yet the Torah treats her as a definite adulteress (that she is forbidden to her husband until she drinks the special *sotah* waters), so too is the case of the *mikvah*. Since we do not know when the *mikvah* became deficient, we treat all *taharos* as if they are definitely *tamei*.

The *Gemora* challenges this: If they are deriving this from *sotah*, then they should say that just as the case of a *sotah* in a public domain, she is ruled to be *tahor*, so too, if the *mikvah* was situated in a public domain, all the items should be ruled to be *tahor* (and yet we know that they rule that they are *tamei* in all situations)?

The *Gemora* answers that the reason a *sotah* is ruled to be forbidden only in a private domain is because of the seclusion, and a seclusion can only occur in a private domain, but concerning the *mikvah*, what difference would there be if it became deficient in a public domain or a private domain? [And that is why they rule that the items are *tamei* in both situations.]

The *Gemora* notes that although perhaps you might ask that all questionable *tumah* in a public domain is considered *tahor* (and not only by the seclusion of a *sotah*) – to that the Sages will answer that since the *mikvah* has two weakening factors against it (it is presently deficient, and the foods and objects were *tamei* from beforehand), it is considered like definite *tumah*, and not questionable.

Rabbi Shimon maintains that just like a *sotah* is questionable whether or not she actually committed adultery, yet, in a public domain, she is ruled to be *tahor*, so too by *mikvah*, if it is situated in a public domain, all the items are ruled to be *tahor*. [If, however, it was situated in a private domain, all the items remain in a state of doubt.]

The *Gemora* asks: But if he derives from *sotah*, then the law by *mikvah* must parallel that of *sotah*, and just as a *sotah*, in a private domain, is ruled to be definitely *tamei*, so too, the ruling by *mikvah* should be that when it was situated in a private domain the items are definitely *tamei* (while Rabbi Shimon maintains that they are only questionably *tamei*)?

Rabbi Shimon answers that in the case of the *sotah*, there's grounds to believe (that she has committed adultery), since she was secluded with that man (after the husband warned her, and that is why she is ruled to be definitely *tamei*), but there are no such grounds concerning the *mikvah* (and therefore the items are ruled to be 'possibly' *tamei*).

Alternatively, I might say that this is Rabbi Shimon's reason: He derives the law of the end of *tumah* (such as the case of the *mikvah*, where the items were once *tamei*, and the question is regarding the removal of its *tumah*) from that of the beginning of *tumah* (such as the case of the *sotah*, where it is uncertain if she sinned at all): just as with the beginning of *tumah*, where it is doubtful whether an object has or has not touched a source of *tumah* - in a public domain, it (she) is deemed to be *tahor*, so also with the end of *tumah*, if it is doubtful whether an object had been duly immersed or not - in a public domain, it is deemed to be *tahor*.

The Sages, however, maintain that there is no comparison: There (by *sotah*), since the person (the woman) is in the presumptive status of *taharah* (purity), we cannot on account of a doubt transfer him to a state of *tumah*, but here (by the *mikvah*), seeing that the person (that which is being immersed) is in the presumptive status of *tumah*, we cannot on account of a doubt release him from his *tumah*. (3a)

Shammai's Reason

The *Gemora* now asks another question on Shammai (who has ruled that we can be lenient with a woman who has now experienced a discharge of blood, and not render foods and objects she touched as *tamei* retroactively) from the following *Mishna* regarding an alley: If a *sheretz* (a dead reptile, which renders foods and objects *tamei* if they came in contact with it) was found in an alley, all foods and objects in that alley are considered to be *tamei* retroactive until the person can say that he has checked the alley and it was clear of any *sheretz*, or until the last time the alley was swept. [Accordingly, Shammai should rule that we should be concerned about the items the woman has come into contact with since the last known time that she was *tahor*!?!]

The *Gemora* answers that the case of the *sheretz* is worse than the case of the woman, since the alley contains its own *sheretzim* as well as *sheretzim* that have come there from other places. [This is similar to the *Gemora's* previous answers of "two weakening factors," as opposed to the woman who has only "one weakening factor," namely, the blood being discharged from her.]

Alternatively, we can say that Shammai's reasoning of being lenient with the woman is because a woman can sense when blood is being discharged from her. [Therefore, since she didn't experience such a sense, we cannot assume that it was discharged earlier.] Hillel, on the other hand believes that the woman is mistaken, and may think that it was a urinary sensation, instead of a blood discharge.

The *Gemora* asks: What does Shammai do with a woman who is sleeping? Surely she cannot sense the blood being discharged!?

He answers that a sleeping woman too senses the discomfort of the menstruation period, and awakes at that moment to realize that blood did indeed discharge from her, similar to the feeling of urination (which would awaken her).

The *Gemora* asks: What will Shammai do with a woman who lacks the mental capability to detect the blood (a *shotah*)?

The *Gemora* answers that Shammai concedes that with a *shotah* – her time does not suffice (*and we do have to go back retroactively*).

The *Gemora* asks that this answer is somewhat problematic, for our *Mishna* clearly says that (*according to Shammai*) “all women” (*their time suffices, and they don’t have to go back retroactively*)!?

The *Gemora* answers that the general label of “women” refers to those who are not lacking mental capabilities.

The *Gemora* asks: So, why then does the *Mishna* state “all” (*women*)?

The *Gemora* answers that this idea comes to exclude Rabbi Eliezer’s ruling - that only four types of women need not go back retroactively (*with their blood: a) an elderly woman (who has already experienced menopause), b) a very young girl (who has not yet seen blood in her lifetime), c) a pregnant woman, d) a nursing woman; it is assumed that all these types of women do not experience a discharge of blood at all*). But Shammai is lenient with all women, except for a *shotah*.

The *Gemora* asks that Shammai’s answer (*that a woman senses the discharge of blood*) is not in accordance with the teaching of the *Mishna* later (9a) that says that if a woman sees blood stains on her garment, she is rendered *tamei* retroactively!?

Abaye defends Shammai’s position by saying that Shammai would agree in the case of the blood stain (*that she is tamei*), since this woman has no other reason to attribute this blood to. For example, she hasn’t been slaughtering poultry, and she didn’t walk through a butcher shop. Where else could this blood come from, if not from her?

Alternatively, we can say that Shammai’s reason is that the blood would have come out (*of her body*) earlier (*if, in fact, it*

was discharged from her uterus beforehand). [*Since she didn’t see it, it must be that it only was discharged now.*] Hillel, however, believes that the uterine walls have gathered the blood, and caused it not to come out right away. The *Gemora* notes that Shammai disagrees and maintains that the uterine walls cannot hold back the blood from coming out.

The *Gemora* asks: There are three types of woman who are allowed to use a sponge cloth (*a type of contraceptive, during intercourse, according to many Rishonim*) to prevent a potential pregnancy. [*a) a very young girl (as a pregnancy may harm her), b) a pregnant woman (as a new pregnancy may harm the current fetus), c) a nursing woman (as a pregnancy may diminish the amount of milk she produces)*]. *Rashi* explains that the way the woman prevents a pregnancy is by filling her vagina with cloth in order to absorb out the sperm. This presents a difficulty to Shammai, as these women surely won’t notice if blood came out, for it would be absorbed by the sponge, and we would have to go back retroactively with them. Yet Shammai said that we are lenient with all women (*with the above-mentioned exception of the shotah*)!?

Abaye answers that Shammai would also agree in this case.

Rava, however, says that the cloth shrinks due to the moisture (*and therefore, it would allow the blood to come out*). Rava agrees that if the woman has inserted a compressed cloth (*which is very tightly fit, where there’s no room for the blood to flow out*), we would have to go back retroactively.

The *Gemora* asks: What is the difference between the two answers (*a woman senses when blood is coming out, and that the blood would have come out earlier*), and the reason of maintaining the woman’s current status of not having experienced a discharge (*chazakah*)?

The *Gemora* answers: The difference is whether or not we can ask the apparent contradictions from the cases of the *mikvah*, the barrel, and the *sheretz*. According to the initial answer (*of maintaining a woman’s status*), we could ask the contradiction (*since in all cases there’s doubt as to the status before the*



revelation of the tumah), but according to the first two answers, the cases cannot be used as a challenge (as the woman either knows when blood discharges, or her physical build does not allow the blood to come out; this is not the case concerning the mikvah, the barrel, and the sheretz).

The Gemora asks: And what is the difference between the two alternative answers?

The Gemora answers: According to Abaye, the difference is regarding the women who inserted cloths (for she can sense if she has menstruated, but the blood can't come out since it is blocked by the cloths). Rava says that the difference can only occur by the compressed cloths.

The Gemora now presents a braisa that supports the answer of "the blood would have come out earlier." Hillel said to Shammai, "Don't you agree in the case where a container that contained tahor foods, and a sheretz was found at the other end of the box, that all those foods are retroactively tamei (since we assume that the sheretz from the other corner must have come in contact with these foods earlier)?" Shammai responded in the affirmative. When he was asked, "What then is the difference between this case of the sheretz and the woman?" Shammai answered that the container is closed at the bottom, and therefore the sheretz couldn't have come out earlier, and must have been together with the tahor foods, but regarding the woman, the uterine walls do not hold the blood back from coming out.

Rava now suggests a different explanation of Shammai's leniency, for otherwise, there will be a severe limitation in peru u'rvu (the mitzvah of procreation; since the husband will hesitate to engage in marital relations with his wife, as he will assume that she is now tamei even though she didn't see any blood).

The Gemora brings a braisa that echoes this very reason.

The Gemora asks: But how does the proponent of this braisa understand the other braisa where Shammai explained his

reasoning to be that "the blood would have come out earlier"?

The Gemora answers that Hillel was mistaken. He thought that Shammai's reason is because the blood would have come out, and therefore asked a contradiction from the case of the container with the tahor foods. Shammai continued by explaining that his reason is because otherwise, there will be a severe limitation in peru u'rvu, and then he proceeded to answer Hillel's question anyway (according to his mistake) by saying that the container's lower lid kept the sheretz inside, but the woman's uterine walls cannot hold the blood back.

The Gemora asks: But how does the proponent of this braisa understand the other braisa where Shammai explained his reasoning to be that there will be a severe limitation in peru u'rvu?

The Gemora answers: Hillel is saying to Shammai that his reasoning that the uterine walls would hold the blood back is a valid one, but he contends that just as with many areas of the Torah, we create fences around the Biblical law, here too, although the blood technically didn't come out earlier, we should not be lenient and consider her tamei retroactively. Shammai answered this concern by saying that it will prevent Jewish girls from procreating. Hillel, however, said that he was only talking about rendering taharos to be tamei retroactively (and not ordinary food), and not that the husband and wife shouldn't procreate. Shammai answered that the two are very similar, and if we would rule stringently regarding taharos, the husband's heart would pound within him and he will therefore separate from her. (3a – 3b)

INSIGHTS TO THE DAF

The Essence of the Prohibitions of Impurity in our Tractate

By: Meoros HaDaf HaYomi

In our *sugya* we are occupied at length with a great rule of the halachos of impurity: “A doubtful impurity in the public domain is pure; a doubtful impurity in a private domain is impure.” In other words, doubts which arise concerning *tumah* are decided according to the place where they occur, such as a person who has a doubt as to if he touched a corpse and became *tamei* – if the doubt arose in a private domain, he is impure and if the doubt arose in the public domain, he is pure.

In our tractate we learn that if a person is impure, he is forbidden to come in contact with *kodesh*, such as he is forbidden to enter the Temple or eat sacrifices and, as well, the impurity of Nidah applies limitation to the halachos of marital behavior aside from the limitations concerning contact with *kodesh*.

Logic would decree that if a doubt arises about impurity learnt in our tractate, it should be treated like all the doubts of impurity. However, Tosfos state clearly (Bava Kama 11a s.v. *d'ain*) that if the doubtful impurity (of *sfek-sfeika*) arises in a private domain, though it is ruled as impure and all the limitations concerning *kodesh* apply, still, limitations concerning halachos of marital behavior won't apply! We thus have a very interesting case: there's a need for immersion to become pure concerning the halachos of the Temple, *kodoshim*, *terumah* and the like but there's no prohibition regarding marital behavior.

The great Acharonim paid attention to the above dichotomy and explained that the limitations concerning the halachos of marital behavior do not concern the halachos of impurity at all but the Torah determined that the occurrence which causes impurity forbidding contact with *kodesh* also applies these limitations but not because of the halachos of impurity but like the halachah of other prohibitions of the Torah (*Shev Shema'atsa, sha'ar 1*, Ch. 14, and see Responsa *Noda' BiYehudah*, 2nd edition, Y.D. 120).

However, a completely different explanation is conveyed in the name of the son of HaGaon Rabbi Shimon Shkop zt"l (*Chidushei Rabbi Shim'on Yehudah HaKohen*, Bava Kama, §14). In his opinion, the two results of the impurity, the limitations

concerning marital behavior and the general limitations, both stem from the *tumah* and he explains Tosfos in the following manner.

The difference between impurity and enacting impurity: We think that *tumas meis* and *tumah* because of a doubtful *meis*, which was ruled to be strict, are the same thing. However, this is incorrect. Doubtful *tumas meis*, though one should behave regarding it like in a case of certain *tumah*, is certain only in practice (*hanhagas tumah*). That is, it was never decided that impurity indeed occurred but it was decided that one should behave in a case of doubt as if it were certain. The decision is that one should practice the “halachos” of impurity but it was never decided that there was a deceased. Here's a practical example: A *nazir* is forbidden to become *tamei meis* but is not forbidden in a case of *sfek-sfeika* (double doubt) of *tumas meis* even in the private domain where *sfek-sfeika* impurity is treated strictly. Why? It could only be because a *nazir* was warned only against *tumas meis* but was not warned to avoid impurity stemming from enacted impurity. Therefore, it is very easy to understand that in our case, when a *sfek-sfeika* of impurity arises, limitations on marital behavior do not apply because they result from *tumah* while we have here “enacting” halachos of *tumah* and not *tumah* itself (we should point out that HaGaon Rabbi Chayim Ozer Grodzinski zt"l laid this principle in the first responsum in his *Achi'ezer* and explained at length that the *sugyos* disagreed concerning this idea according to some Rishonim; see *ibid*).

DAILY MASHAL

The Negative Mitzvos Protect the Positive Ones

Rabbi Avraham Galanti writes in his *Zechus Avos* on tractate *Avos* (1:1) that all the 365 negative mitzvos serve to protect the Torah. The 248 positive mitzvos correspond to the 248 limbs and the 365 negative mitzvos correspond to the 365 sinews. Just



as the sinews connect and support the limbs, the negative mitzvos protect and support the Torah.