

# Daf Notes

Insights into the Daily Daf

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## Daily Daf

### INSIGHTS TO THE DAF

#### *May a Rav Rule Halachos for Himself?*

By: Meoros HaDaf HaYomi

A person faced with a practical halachic question refers to a talmid chacham who is an ordained rav, a moreh horaah, who rules if forbidden or permitted, tamei or tahor. The poskim discuss at length if and how a rav is allowed to decide questions which arise in his home. Just as he rules halachah for others, may he do so for himself or perhaps he should be strict with himself and refer to another rav?

One of the interesting proofs for this topic was brought from our Gemara, which recounts about Raban Gamliel's maidservant who attended to barrels of terumah wine. A question arose concerning her becoming impure and if the barrels were impure or not. Raban Gamliel considered the matter himself and didn't disqualify himself from discussing the question. We thus see that a rav may rule halachah for himself (Responsa Maharach Or Zarua', 93).

Indeed, this is the opinion of many halachic authorities (see Tosfos further on, 20b, s.v. Kol, and in Bechoros 31a, s.v. Deha, according to Eiruvim 63a – tzurba meirabanan chazi lenafshei; Kuntres Acharon on Shulchan 'Aruch Harav, Y.D. 18, S.K. 10) who maintain that a rav may rule halachah for himself aside from the halachos of nega'im (tzaraas afflictions), first born animals and vows (Nega'im 2:5). He may not abrogate his own vows, because we are told: "He must not revoke his word" – "he may not revoke

it but others revoke it for him"; nega'im, as we learn from the verse: "every argument and every affliction" – what do arguments have to do with afflictions? Just as arguments (money disputes) are not decided by relatives (including himself), also afflictions are not decided by relatives. Concerning the firstborn, Chazal regulated that only a beis din or another expert can permit a blemished firstborn animal (Responsa HaReim, 70, and see Maharach Or Zarua', ibid).

According to some poskim, this permission for a rav to pasken for himself is not all-inclusive and regards only a doubt that arose. However, if there was a chazakah that something was forbidden, he is not allowed to permit it. The Remo writes (Y.D. 18:18) that "it is customary in some places that a person does not slaughter or examine an animal for himself, only those appointed for the community" so that a shochet won't have to rule for himself. From the Remo's words – "it is customary in some places" – it seems that, strictly speaking, a shochet may decide a question for himself. The Taz, however, disagrees and holds (according to the Rash, see ibid) that the matter is not so in every case: if something had a chazakah of being forbidden and a doubt arose as to if it became permitted – such as the slaughtered chicken, which until now was forbidden and now a question arose if it is permitted because of the shechitah – the chicken's owner must not decide the question himself (see Tevuos Shor, 18, S.K. 39; Chochmas Adam, kelal alef and kelal 109, se'if 6; Pri Megadim, Seder Hanhagah HaShoel, os 4).

Serious halachic decisions: Most poskim disagreed with the opinion of the Taz (see Shi'urei Shevet HaLevi, 188:2) but even those who agree with him explain that he only limits a person from ruling halachah for himself in a case where there was a chazakah of a prohibition and the question which arises demands

a profound decision by comparing to various topics and learning from them to the question at hand. However, if the question was already discussed by the poskim and decided, the rav may rule for himself according to their decision (Chut Shani, Shi'urei HaGaon Rav Nissim Karelitz, *ibid*, and see Responsa Yabia' Omer, VI, Y.D. 18 at the end of the responsum).

The shochet eats but others don't: Shulchan 'Aruch HaRav adds and innovates (*ibid*) that the slaughterer himself may certainly eat according to his decision as he is sure that the chicken is kosher while the Taz means that others are not allowed to eat from the chicken which he permitted and meant to eat himself because they can't be sure that no egotism was involved in his decision.

It is worth mentioning the Meiri's statement (Nidah 20b, Chulin 44b) that when a rav decides a question pertinent to him and his household, then "if there's a doubt as to its being permitted or forbidden, it is proper for him to incline to forbid it and not care for his monetary loss. But if he had much practical experience (*shimush*) in learning from talmidei chachamim such that he can give good reason for the permission to everyone clearly till no suspicion remains on him, he may undoubtedly permit it, though others cast their doubts. Of him we are told: 'When you eat the labor of your hands, you are praiseworthy and it's good for you'."

## DAILY MASHAL

### *Until when did we have the Ashes of the Red Heifer?*

In a rare way, our sugya documents the first generations after the destruction of the Temple, the end of the Tanaim's era when they were very careful about contact with impurity in its various forms – *tumas meis*, *tumas sheretz*, etc. – so that they wouldn't be prevented from eating *terumah*. As part of their carefulness, they were accustomed to eat even mundane food in purity and the Gemara adds that in the Galilee they were careful that mundane food should be fit for the Temple – i.e., that their oil and wine was fit to be poured on the altar with the hope that the Temple would be rebuilt soon and they could immediately use their wine and oil for the altar.

A person who is *tamei meis* (from a deceased) only becomes pure if he is sprinkled with the water containing ashes of the red heifer. As the *tzadikim* of that generation were careful about purity, this is proof that they had ashes of a red heifer from the last *parah adumah* which was slaughtered and burnt before the destruction of the Temple.

The author of Mishneh Lemelech states (Hilchos Eivel 3:1) that the Amoraim also had ashes of the *parah adumah*. He adds extremely interesting testimony: "I remember that I saw recorded in a certain place that when they were exiled to Babylonia, they took along the ashes of the red heifer." The Rash (Chalah 4:8) also recounts that they ate pure *terumah* in the Amoraim's era because they had ashes of the red heifer to purify themselves from *tumas meis*.

Observing purity in the Yamim Noraim: Maharitz Chayos (Chagigah 22) uses this information to solve an explicit contradiction in the Tur. In Hilchos Rosh HaShanah the Tur (603) cites the Yerushalmi that Rav Chiya told Rav that it is fitting to care about eating mundane food in purity during the year and at least for seven days of the year. The Tur explains in the name of his father, the Rosh (see *Beis Yosef*, *ibid*), that these seven days are the days between Rosh HaShanah and Yom Kippur. On the other hand, in Hilchos Yom Kippur (606) the Tur cites his father that the halachah is not like Rav Saadayah Gaon, who ruled to pronounce a *berachah* on immersion in a *mikveh* on the eve of Yom Kippur, because we are all impure from the deceased and we don't have the ashes of the red heifer to become pure and therefore one shouldn't pronounce a *berachah* on purity which doesn't exist.

The Tur's commentators wonder, if so, why doesn't the Tur remark about the Yerushalmi's instruction to eat mundane food in purity? How does one attain this purity? Maharitz Chayos says that it could only be that there were no longer any ashes of the red heifer in the Geonic era and therefore the Rosh wondered why Rav Saadayah Gaon ruled that a *berachah* should be pronounced on the immersion. However, in the era of the Yerushalmi there were ashes of the red heifer and therefore Rabbi Chiya ruled to eat with purity.

Sprinkling the ashes of the heifer by the prophet Eliyahu: We conclude with holy, magnificent words of the Chida (Midbar Kedemos, *ma'areches alef*, os 26). After he writes that, in his opinion too, the Amoraim had the ashes of the red heifer, he adds: "And it is simple to me that the Ari z"l used to be purified with the ashes of the *parah adumah* by Eliyahu Hanavi zachur latov and then sublime *ruach hakodesh* rested on him. And though I haven't found any indication for this, my heart tells me that he concealed the fact very carefully in his great humility"! He explains at length that the Ari's lofty *chidushim* in Kabbalah could not have come about without this total purity.