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Niddah Daf 7

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Daf Notes is currently being dedicated to the neshamot of

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

Doubtful Impurity in Dough

The *Gemora* cites a *Mishna* which discusses dough which may have become impure. If the doubt occurred before the dough was formed, it may be made impure, but otherwise, it may not intentionally be made impure.

The *Gemora* explains that before the dough is formed, it is considered regular *chullin* food, which may be made impure. Once the dough is formed, and therefore obligated in *challah*, the *challah* which is latent in the loaf is considered present, and therefore may not be made impure.

The *Gemora* cites a *braisa* which clarifies that in both cases, the *challah* may be impure, and therefore may not be eaten, but it may be pure, and therefore may also not be burned. The *braisa* explains that the impurity the *Mishna* refers to is one that only applies to *challah*, but not *chullin*.

Abaye and Rava explain that the case is an unlikely impurity, which we would consider pure for *chullin*, but a doubt for *challah*. If the doubt was a case where one walked on one of two paths, one of which was impure, this would apply to *chullin*. Rather, the doubt in the *Mishna* is a case of a *zav* and someone pure loading or unloading a heavy weight from a donkey. For the purposed of *chullin*, we assume the people and load are pure, but for the purpose of *terumah*, we consider them possibly impure.
(6b – 7a)

Chullin containing latent challah

The *Gemora* challenges the implication of the *Mishna*, that *chullin* that contains latent *challah* has the same rules as *challah*, from a *Mishna* which discusses a woman who immersed in the *mikvah* and kneaded dough on the same day. The *Mishna* says that she must remove a piece suitable for *challah*, then place it on a flat utensil adjacent to the rest of the dough, and only then designate it as *challah*. By doing so, she avoids coming in contact with the *challah*, which would become impure as a third level impurity from her. This *Mishna* indicates that the dough which contains the latent *challah* does not become impure, implying that it does not have the status of *challah*.

Abaye answers that for any impurity which could make *chullin* impure, like the first *Mishna*, any doubt of it makes such *chullin* impure, just like *challah*. However, for any impurity which has no effect on regular *chullin*, like the second *Mishna*, we do not treat it as *challah*.

The *Gemora* challenges this answer from the retroactive impurity the day before a woman discovers that she is a *niddah*. Although this is a doubt of impurity which would make *chullin* impure, Rav Nachman says that it only makes *chullin* which was treated as *kodesh* impure, but not *chullin* which was treated as *terumah*.

The *Gemora* answers that *chullin* treated as *terumah* is not as severe as *chullin* which has latent *challah* in it, as it does not have any mixture of real *terumah*, and it therefore is not impure.

The *Gemora* offers another answer, that the impurity of the day before a woman becomes a *niddah* is a purely Rabbinic impurity, and therefore is more limited in its scope. (7a)

Exceptions to Retroactive Niddah Impurity

The *Mishna* cites Rabbi Eliezer saying that four types of women do not have retroactive impurity when they discover they are a *niddah*: a virgin (in terms of menstruation), a pregnant woman, a nursing woman, and an old woman. Rabbi Yehoshua says that he only heard about the first of the list, but the *Mishna* rules like Rabbi Eliezer.

The *Mishna* defines each of the four:

1. A virgin means a woman who never menstruated, even if she is already married and therefore not physically a virgin.
2. A woman is considered pregnant when her fetus is apparent.
3. A woman is considered nursing until she weans her child. If she gave her child to a wet nurse, weaned her child, or the child died, Rabbi Meir says she is not considered nursing anymore, and therefore has the standard retroactive impurity, but the Sages say she still is considered nursing.
4. An old woman is defined as one who missed three regular periods in her old age.

Rabbi Eliezer says that any woman who missed three periods has no retroactive impurity.

Rabbi Yossi says that a nursing or pregnant woman only lose retroactive impurity when they missed three periods.

The *Mishna* explains that these exceptions apply only for the first time that these woman see after acquiring their status, but after that, they are retroactively impure. If the first time they saw was due to some extraordinary occurrence, it doesn't count, and the exception applies for the next time they see. (7a – 7b)

Ruling like Rabbi Eliezer

The *Gemora* cites a *braisa* in which Rabbi Eliezer told Rabbi Yehoshua that although Rabbi Yehoshua only heard of one case, he heard of all the cases. Just like we choose for testifying someone who saw the new moon over someone who did not see it, we follow Rabbi Eliezer's ruling, disregarding Rabbi Yehoshua's not having heard about all of them. While Rabbi Eliezer was alive, the ruling followed Rabbi Yehoshua, but once he died, Rabbi Yehoshua instituted the ruling like Rabbi Eliezer.

The *Gemora* explains that since Rabbi Eliezer was excommunicated, we didn't want people ruling like him in general. While he was alive, if we would rule like him in this case, people would mistakenly start ruling like him in general, and out of deference to him we couldn't protest. Once he died, we could protest, and therefore Rabbi Yehoshua reverted to Rabbi Eliezer's ruling in this case. Shmuel lists four instances where we rule like Rabbi Eliezer:

1. The four women listed in our *Mishna*.
2. If a woman bleeds during labor and then the labor subsides, we consider the bleeding to be unrelated to the birth, potentially making her a *zavah*. Rabbi Eliezer says that labor must subside for 24 hours to make it unrelated.

3. A male *zav* or female *zavah* whose flow has stopped must count 7 clean days to become pure again. If they checked themselves on the first and seventh day and found themselves clean, Rabbi Eliezer says they now have 7 clean days, Rabbi Yehoshua says they can only count those two days, and Rabbi Akiva says they can only count the seventh. The *braisa* cites Rabbi Shimon and Rabbi Yossi saying that Rabbi Eliezer's position is more logical than Rabbi Yehoshua's, and Rabbi Akiva's is the most logical, but we still rule like Rabbi Eliezer.
4. The *Mishna* discusses an earthenware vessel whose outside became impure due to contact with impure liquids. Rabbi Eliezer says the vessel makes all liquids, even *chullin*, fully impure, i.e., able to further transmit impurity, but does not even invalidate any food, even *terumah*. Rabbi Yehoshua says that it makes other liquids fully impure, and makes food invalid, but not impure.

Rabbi Yehoshua attempts to prove his position from the case of a *tevul yom* – someone who immersed in the *mikvah* today. Such a person does not make *chullin* liquids impure, yet makes *terumah* food invalid. Therefore, such a utensil which does make *chullin* liquids impure certainly should make *terumah* food invalid.

Rabbi Eliezer deflects this, as the impurity of a *tevul yom* is from the Torah, while the impurity of this vessel is Rabbinic. Impurity from a liquid or food to a vessel is purely a Rabbinic decree, to avoid confusion with the bodily fluids of a *zav* and *zavah*, which do make utensils impure from the Torah. The Rabbinic decree on such a vessel only extended impurity to liquids, which are more susceptible to impurity, but not to food. This is not an indication of how severe the impurity is, but simply the mechanics of the Rabbinic decree.

The *Gemora* explains that the *Mishna* only discusses a

vessel whose outside became impure, since that is more lenient, as only the outside is impure. However, if the inside became impure, the whole vessel, in and out, is impure, and Rabbi Eliezer would agree to Rabbi Yehoshua that it invalidates food as well.

The *Gemora* asks why Shmuel had to list these cases, as in each one, the *Mishna* explicitly rules like Rabbi Eliezer. Although the last case does not have an explicit ruling, Shmuel could have just listed that case, and omitted the others.

The *Gemora* answers that Shmuel explicitly ruled in all four cases to teach that we cannot learn the ruling from the *Mishna*, even when it explicitly rules like one opinion. (7b)

INSIGHTS TO THE DAF

May a Rav Rule Halachos for Himself?

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 (Responso 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 Hanhagas 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.