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Mishna

It is the custom of the daughters of Israel that when having marital relations, they use two examination cloths, one for him (*the husband*) and the other for her (*the wife*); and the pious women prepare also a third cloth, thereby preparing the house (*i.e., prior to having relations*).

If blood was found on his cloth immediately after relations, they are *tamei* and they are both liable to bring a *korban chatas*, for she was definitely a *niddah* at the time of cohabitation. If blood was found on her cloth immediately afterwards, they are *tamei* and they are both liable to bring a *korban chatas*, for she was definitely a *niddah* at the time of cohabitation. If it was found upon hers ‘after a time’ (*where it was not ‘immediately,’ and therefore it might have occurred after relations were finished*), they are *tamei* out of doubt, but are exempt from an offering. What is meant by ‘after a time’? It is within an interval in which she can descend from the bed and wash her “face” (*euphemism for her genital area*). If, however, blood was found after that time, she causes *tumah* retroactively for a period of twenty-four hours, but she does not render the man who had relations with her to be *tamei*. [*This is because the retroactive tumah is Rabbinic in nature, and the Rabbis did not extend this stringency with respect to the seven-day tumah to a man who cohabits with a niddah.*] Rabbi Akiva said: She does render the man who had relations with her to be *tamei*. The Sages agree with Rabbi Akiva

that one who observed a bloodstain conveys *tumah* to a man who has relations with her (*afterwards, even though the tumah stemming from a bloodstain is merely Rabbinic*).

[*The Mishna had stated that if blood was found on his cloth immediately after relations, they are tamei and they are both liable to bring a korban chatas, for she was definitely a niddah at the time of cohabitation.*] The *Gemora* asks: But why shouldn’t we consider the possibility that the blood might be that of a louse?¹ — Rabbi Zeira replied that place is presumed to be tested as far as a louse is concerned. There are others, however, who reply: It is too narrow for a louse. What is the practical difference between them? — The practical difference between them is the case where a crushed louse was found.² According to the reply that the place is presumed to be tested, this must have come from somewhere else,³ but according to the reply that the place is too narrow it might be presumed that the organ has crushed it.⁴

It was stated: If a woman examined herself with a rag that she had previously examined,⁵ and then she pressed it against her thigh on which she found blood on the following day,⁶ Rav ruled: She is subject to the *tumah* of a *niddah*.⁷ Said Rav Shimi bar Chiya to him: But, surely, you told us, ‘She has only to take the possibility⁸ into consideration’. It was also stated: Shmuel ruled: She is subject to the *tumah* of a *niddah*. And so they also ruled

¹ As this is not impossible the *tumah* should only be one of a doubtful nature, so that if any *terumah* is involved it should not be burned but only kept in suspense, and the sacrifice also should be one for doubtful (*asham talui*) and not one for certain trespass (*asham vaddai*).

² On the testing-*rag* at some distance from the blood mark.

³ The blood must, therefore, be assumed to be that of menstruation.

⁴ During intercourse, and the blood may consequently be attributed to it.

⁵ And ascertained that it was *tahor*.

⁶ Since the *rag* was examined by her before use and found to be *tahor*, and the blood that was transferred from it to her thigh must consequently be that of menstruation.

⁷ Sc. her *tumah* is definitely established. It is not regarded as one of a doubtful nature despite the possibility that the blood on her thigh may have come from some object other than the *rag*.

⁸ That the blood was that of menstruation.

at the schoolhouse: She is subject to the tumah of a niddah.

It was stated: If a woman examined herself with a rag which she had not previously examined and having put it into a box she found upon it, on the following day, some blood,⁹ Rav Yosef stated: Throughout all his lifetime Rabbi Chiya regarded [her] as tamei but in his old age he ruled that [she] was tahor.

The question was raised: What does he mean: That throughout all his lifetime he regarded [her] as tamei as a niddah (with certainty), and in his old age he ruled that [she] was tahor as far as niddah is concerned but tamei on account of the bloodstain,¹⁰ or it is possible that throughout his lifetime he regarded [her] as tamei on account of the stain and in his old age he ruled that [she] was absolutely tahor? — Come and hear what was taught: If a woman examined herself with a rag which she had not previously examined and having put it into a box she found upon it, on the following day, some blood, Rebbe ruled: She is tamei as a niddah and Rabbi Chiya ruled: She is regarded as tamei on account of the bloodstain. Said Rabbi Chiya to him: ‘Do you not agree that it must be slightly bigger than the size of a bean?’¹¹ ‘Indeed’, the other replied. ‘If so’,¹² the first retorted, ‘you also regard it as a stain’.¹³ Rebbe, however, holds the opinion that it is necessary for the stain to be slightly bigger than the size of a bean in order to exclude the possibility of its being the blood of a louse, but as soon as this possibility is ruled out the blood must undoubtedly have come from her body. Now did not this occur when he was in his old age but when he was young he regarded it her tamei as a niddah?¹⁴ This is conclusive.

Rebbe was commending Rabbi Chama bar Bisa to Rabbi Yishmael son of Rabbi Yosi as a great man, when the latter said to him, ‘If you come across him bring him to me’. When he came he said to him, ‘Ask me something’. ‘What is the ruling’, the

other asked, ‘if a woman examined herself with a rag which she had not previously examined and having put it into a box she found some blood upon it on the following day?’ ‘Shall I give you,’ the first answered, ‘the ruling according to the views of my father¹⁵ or shall I rather give it to you according to the views of Rebbe?’ ‘Tell me,’ the other said, ‘the ruling according to Rebbe’. ‘Is this the person’, Rabbi Yishmael exclaimed, ‘of whom it is said that he is a great man! How could one ignore the views of the Master and listen to those of the disciple? Rabbi Chama bar Bisa, however, was of the opinion that since Rebbe was the head of the college and the Rabbis were frequently in his company his traditions were more reliable.

What is the view of Rebbe [that has just been referred to] and what is that of Rabbi Yosi? — Rav Adda bar Masna replied: — A Tanna taught, Rebbe declares her¹⁶ tamei and Rabbi Yosi declares her tahor.

In connection with this Rabbi Zeira stated: When Rebbe declared her tamei he did so in agreement with the ruling of Rabbi Meir, but when Rabbi Yosi declared her tahor he did so in accordance with his own view. For we learned: If a woman when attending to her needs¹⁷ observed a discharge of blood, Rabbi Meir ruled: If she was standing at the time she is tamei but if she was sitting she is tahor. Rabbi Yosi ruled: In either case she is regarded as tahor. Said Rav Acha son of Rava to Rav Ashi: But didn’t Rabbi Yosi the son of Rabbi Chanina state that when Rabbi Meir ruled that the woman was tamei he did so only on account of the bloodstain,¹⁸ whereas Rebbe regarded her as tamei by reason of niddah?¹⁹ — The other replied: What we maintain is this: When that ruling was stated it was that the tumah was due to menstruation.

The Mishnah had stated: If any blood is found on her rag

⁹ And it is uncertain whether the blood was that of menstruation or of some other source with which the rag may have come in contact before the woman had used it.

¹⁰ I.e., tumah of a doubtful nature.

¹¹ Lit., ‘like a bean and more’. If it is smaller it may be presumed to be that of a louse.

¹² That the stain must be no less than a certain minimum.

¹³ Had it been regarded as menstrual blood the smallest speck of it would have sufficed to cause certain tumah.

¹⁴ Obviously he did, since in his youth he would not have ventured to differ from Rabbi who was his master.

¹⁵ Rabbi Yosi.

¹⁶ The woman referred to in Rav Bisa’s question.

¹⁷ While urinating.

¹⁸ Which is a doubtful tumah.

¹⁹ Certain tumah. How then could Rabbi Zeira maintain that Rebbe followed the view of Rabbi Meir?

immediately after her intercourse they are both tamei etc. Our Rabbis taught: What is meant by 'immediately'? This may be illustrated by the parable of the male organ and the examination cloth who stood at the side of the lintel where the cloth enters immediately after the organ goes out, this being the interval which the Rabbis allowed as regards wiping off,²⁰ but not as regards an examination.²¹

The Mishnah had stated: If, however, any blood is found on her rag after a time etc. A Tanna taught: They²² do incur the obligation of bringing a suspensive asham. But what is the reason of our Tanna? — It is essential²³ [that the doubt shall be of the same nature as in the case of the consumption of] one piece of two pieces.²⁴

The Mishnah had stated: What is meant by 'after a time'? etc. Isn't, however, this incongruous with the following: What is meant by 'after a time'? Rabbi Eliezer son of Rabbi Tzadok explained: Within an interval in which she can stretch out her hand, put it under the cushion or bolster, take out a testing-rag and make examination with it?²⁵ — Rav Chisda replied: By 'after' is meant the interval following this interval.²⁶ But was it not stated in connection with this: if, however, any blood is found on her rag after a time they are tamei, by reason of the doubt but exempt from the sacrifice. What is meant by 'after a time'? Within an interval in which she can descend from the bed and wash her face?²⁷ — It is this that was implied:²⁸ What is meant by 'after a time'? Within an interval in which she can stretch out

her hand, put it under the cushion or bolster, take out a testing-rag and make examination with it; and within an interval in which she can descend from the bed and wash her face [the question of tumah is subject to] a divergence of view between Rabbi Akiva and the Sages. But was it not stated: After such an interval?²⁹ — It is this that was meant: And this is the interval concerning which Rabbi Akiva and the Sages are at variance.

Rav Ashi replied: The former and the latter³⁰ represent the same length of time; when she has the testing-rag in her hand the time is within an interval in which she can descend from the bed and wash her face, but if she has not the rag in her hand the time is limited to 'within an interval in which she can stretch out her hand, put it under the cushion or bolster, take out a testing-rag and make examination with it'.

An objection was raised: What is meant by 'after a time'? This question was submitted by Rabbi Eliezer son of Rabbi Tzadok to the Sages at Usha when he asked them: 'Are you perchance of the same opinion as Rabbi Akiva that the woman carries tumah to the man who had intercourse with her?' 'We', they answered him, 'have not heard his ruling'. 'Thus', he said to them, 'did the Sages at Yavneh enunciate the ruling: If the woman did not delay more than the time in which she can descend from the bed and wash her face, this is regarded as 'within the time limit' and both are tamei on account of the doubt, and exempt from bringing a sacrifice but they are subject to the obligation of an asham talui. If she delayed for such a time during which she could descend

²⁰ Externally, which takes place instantly after intercourse.

²¹ Internally, which must inevitably take place after a longer interval than the one allowed had elapsed. In the former case the tumah is certain and the sacrifice incurred is a chatas, while in the latter case the tumah is of a doubtful nature and the sacrifice incurred is a suspensive asham.

²² Husband and wife, contrary to the ruling of the Tanna of our Mishnah that they are exempt from the sacrifice.

²³ If an asham talui is to be incurred.

²⁴ One of which was e.g., permitted fat and the other was forbidden fat, and it is not known which of the two pieces the person in question had consumed. Only in such a case of doubt is an asham talui incurred. Where, however, the doubt involves only one object or person (as is the case under discussion where only one woman is concerned) no asham talui can be incurred.

²⁵ This interval being shorter than the one in which she can descend from the bed etc., it follows that, according to this Baraisa, during the longer

interval the woman does not convey tumah to her husband and is only subject to the lesser restrictions of the twenty-four hours' period of retroactive tumah. How then are the two rulings to be reconciled?

²⁶ Defined in our Baraisa. Lit., 'after the after'. During the interval as defined in the Baraisa both husband and wife are subject to doubtful tumah but after that interval, and during the one defined in our Mishnah, the woman, according to the Rabbis, as stated in the next clause of the Mishnah, does not convey any tumah to her husband.

²⁷ Which clearly shows, does it not, that during the interval spoken of in our Mishnah the woman does carry tumah to her husband?

²⁸ Sc. some words are missing from our Mishnah and are to be regarded as inserted.

²⁹ Sc. after the one defined in our Mishnah; from which it follows that during this interval both agree that the woman does carry tumah to her husband.

³⁰ The interval defined in our Mishnah and the one defined in the Baraisa.

from the bed and wash her face, this is regarded as being 'after the time', similarly if she delayed for twenty-four hours or for a period between her previous and her present examination, the man who had intercourse with her is tamei on account of his contact, but not on account of his intercourse. Rabbi Akiva ruled: He also contracts tumah on the ground of his intercourse. Rabbi Yehudah son of Rabbi Yochanan ben Zakkai ruled: Her husband may enter the Temple and burn incense. Now according to Rav Chisda one can well see why the Rabbis declare the man tahor, but according to Rav Ashi why do the Rabbis declare him tahor? And should you reply that this is a case where she did not have the rag in her hand [it could be retorted:] Shouldn't then a distinction have been made explicitly between the case where the woman had a rag in her hand and where she had no rag in her hand? — This is a difficulty. (14a – 15a)

DAILY MASHAL

Why did Rambam lie down *prakdan* when he returned from Cairo?

Our Gemara explains the prohibition to lie down *prakdan* and that Rabbi Yehoshua ben Levi cursed one who lies down *prakdan*. As for the halachah, *prakdan* means both lying on one's back or on one's stomach as one must only lie on one's side (the *poskim* explain that it is a severe prohibition to lie *prakdan* and that a person should accustom himself to only lie on his side; see Rambam, *Hilchos Dei'os* 4:5; *Shulchan 'Aruch, O.C.* 3:1; *Mishnah Berurah*, 239, S.K. 6). It is apparently clear from our Gemara that the prohibition to lie *prakdan* includes lying for mere rest and not only for sleep as our Gemara asks why is there a need for a special prohibition to say *kerias shema* while *prakdan*. After all, this prohibition is valid always (see *Shoneh Halachos*, 239, *din* 3; however, we should remark that from Rambam's phrasing it seems that the prohibition concerns sleeping).

In a letter that Rambam wrote to Rabbi Shmuel Ibn Tibon he tells him that he's at the end of the day and "lying down *prakdan* because of fatigue". HaGaon Rabbi David Sperber zt"l, author of *Responsa Afarkasta De'anya* (see *Otzar HaPoskim*, 23, *os* 9 in the remark), remarks that apparently Rambam's lying *prakdan* does not fit with the statements of our Gemara. However, he offers

three explanations to reconcile Rambam's practice. First of all, it could be that Rambam lay on his back, leaning slightly to his side, and in this way there's no prohibition, as explained in our Gemara, aside from saying *kerias shema*. Also, although our Gemara indicates that the prohibition includes lying just for rest, the phrasing of the Gemara, Rambam and *Shulchan 'Aruch* indicates that the prohibition only concerns sleeping; it could be that mere lying is not forbidden. Members of our *beis midrash* remarked that this means that lying for a rest that could turn into sleep is forbidden but brief lying while being occupied with something is allowed.

Rambam's busy schedule: Rabbi Sperber's third explanation is fascinating. He writes that an examination of Rambam's letter teaches that this was no ordinary lying down *prakdan*. This letter concerned Rabbi Shmuel Ibn Tibon's intention to visit Rambam. Rambam replied that he also yearned to see him but doesn't recommend that he endanger himself on the road for this as he only has free time to see his face but no more and they wouldn't have time to be alone and study Torah together. Rambam writes that his schedule is exhausting: every morning he must ride his horse to Cairo, about two kilometers away, to visit the king and his family and see to their health and the health of the government ministers. Even if they are all well, he returns home only toward noon, tired and hungry, where many people are waiting for him, both Jews and gentiles, seeking cures. He then eats a brief meal, his only meal of the day! and is occupied with the ill until the night or even later. During this time "I lie down *prakdan* because of fatigue and night comes and I am utterly exhausted and can't speak" (the letter was printed in *Kovetz Teshuvos HaRambam Veigrosav; Igros HaRambam*, p. 28; and in *Responsa Peer HaDor*, 143). This moving description of Rambam's devotion to his patients teaches that the great physician was ill and weak due to his great efforts and Rabbi Sperber wrote that lying *prakdan* can be permitted for an ill person. It is interesting to note a famous historical fact. When the notorious Shabsai Tzvi appeared as redeemer and *messiah*, the author of *Turei Zahav* sent his son-in-law to examine him. When he saw that Shabsai Tzvi was lying down *prakdan*, the *Taz* immediately ruled that he wasn't Mashiach! Mashiach transgresses no halachah, not even a Rabbinical decree!