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Niddah Daf 42

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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

### **Woman Emitting Zera**

Rav Shmuel bar Bisna inquired of Abaye: Is a woman emitting semen (*after cohabitation*) regarded as observing a discharge or as coming in contact with one (*on its way out of her body*)? The practical consequence is the question of rendering any previous counting (*of zivah*) void, and of conveying *tumah* by means of the smallest quantity, and of conveying *tumah* internally as well as externally. [*All these things would occur if the tumah is on account of a discharge, but not if it is through contact.*]

The *Gemora* asks: But either way, what is the question? If he heard of the *braisa* (*cited above, where the Rabbis ruled that the emission of semen conveys tumah while still in the “outer chamber,” and R’ Shimon ruled that it is sufficient for the woman to be as tamei as the man who cohabited with her, and she is only tamei when the semen exits her body*), then he should have known that according to the Rabbis she is regarded as observing a discharge, while according to Rabbi Shimon, she is regarded as coming in contact with one; and if he did not hear of the *braisa*, is it not logical that she should be regarded as coming in contact with one (*and not tamei on account of a discharge, for after all, the discharge did not originate from the woman’s own body*)?

The *Gemora* answers: Indeed he may well have heard of the *braisa*, and as far as the Rabbis are concerned, he had no question at all (*for since the Rabbis ruled that tumah is conveyed while it is still in the “outer chamber,” it is obvious that the woman is regarded as one observing a discharge, and is, therefore, subject to all the other restrictions as well*). He was inquiring according to the view of Rabbi Shimon. And furthermore, he had no question as to whether *tumah* is conveyed internally as externally (*for R’ Shimon explicitly stated regarding this that she is not tamei when the semen is still inside of her*); he was inquiring whether any previous counting is rendered void, and whether *tumah* is conveyed by means of the smallest quantity. He was asking as follows:

When Rabbi Shimon had stated that ‘it is sufficient that she be subject to the same stringency of *tumah* as the man who cohabited with her,’ did he mean it only in respect of conveying *tumah* internally as externally, but with respect of rendering any previous counting void and conveying *tumah* by means of the smallest quantity, she is regarded as one observing a discharge, or perhaps there is no difference?

There are others who said it as follows: Indeed he may never have heard of the *braisa*, but he was asking as follows: Since the Torah impose a restriction at Sinai on those who emitted semen (*by instructing them to refrain from relations for three days beforehand; this ensured that the women remained tahor*), she must be regarded as one who observed a discharge (*for the Torah was not strict regarding any tumah brought about through contact*), or perhaps, no inference may be drawn from Sinai, since it was a novel law, seeing that *zavin* and *metzoraim*, who are elsewhere subject to major restrictions were not subjected by the Torah to that restriction?

Abaye said to him: She is regarded as one who has observed a discharge.

Rav Shmuel bar Bisna then came to Rava and put the question to him. He replied: She is regarded as one who observed a discharge.

He then came to Rav Yosef who also told him that she is regarded as one who observed a discharge.

He then returned to Abaye and said to him: You all spit the same spittle (*you are relating that which you heard from the same source, but without any proof*).

Abaye replied: They gave you the correct answer, for when Rabbi Shimon ruled that it is sufficient that she be subject to the same stringency of *tumah* as the man who cohabited with her, it was only in respect of conveying *tumah* internally as externally, but in respect of rendering any previous counting void and in respect of conveying



*tumah* by means of the smallest quantity, she is regarded as one who observed a discharge. (42a)

## **Discharge in the Outer Chamber**

The *Gemora* cites a *braisa*: A *niddah*, a *zavah*, one who awaits a day for a day (*shomeres yom kneged yom* – (this is the law during these days: If she saw blood only one or two days, she must observe one day in cleanness, corresponding to the day of uncleanness, i.e., she immerses on the day following the day of uncleanness, and if she does not see blood on this day, then she is *tahor* in the evening) and a woman after childbirth contract *tumah* internally (the outer chamber) as well as externally.

The *Gemora* asks: Now, the enumeration of three of these cases may well be justified, but how is one to explain the mention of the woman after childbirth? If the birth occurred during her *niddah* period, then any discharge during that time is regarded as a regular *niddah* discharge, and if it occurred during her *zivah* period, it is regarded as a *zivah* discharge (and both of these cases are already mentioned)?

The *Gemora* answers: The mention was necessary only in the case of a woman who went down to perform immersion in a *mikvah* (but she discharged blood into her outer chamber prior to the immersion) in order to go from the period of *tumah* (after the seven or fourteen days of *tumah* following the birth of a male and a female respectively) to that of *taharah* (the period of thirty-three *tahor* days after the seven, and the sixty-six *tahor* days after the fourteen). [The *braisa* teaches us that the *mikvah* does not purify her in this case, for she is *tamei* on account of the discharge.]

The *Gemora* notes that this is in agreement with a ruling given by Rabbi Zeira in the name of Rabbi Chiya bar Ashi, who said it in the name of Rav: If a woman who went down to perform immersion in a *mikvah* in order to go from the period of *tumah* to that of *taharah*, and some blood detached from her body (and remained in her outer chamber) – if it happened while she was going down, she is *tamei* (on account of her carrying it, or contact with the detached blood in it), but if it occurred while she was going up (from the *mikvah*), she is *tahor* (for, owing to the immersion, her *taharah* period had already begun and the blood is *tahor*).

Rabbi Yirmiyah said to Rabbi Zeira: Why should she be *tamei* if this occurred while she was on her way down? Isn't the blood merely a 'swallowed-up *tumah*'? [The *Gemora* in *Chulin* (71a) teaches that

*tumah* which is swallowed-up cannot convey *tumah* either through contact or through it being carried. Granted that a *niddah*, or a *zivah* discharge causes a woman's *tumah* even while it is still absorbed in the vagina, how can this blood, which is neither *niddah* nor one of *zivah* cause any *tumah* at all while still absorbed?]

Rabbi Zeira replied: Ask it of Rabbi Avin to whom I have explained the point at the study hall, and who nodded to me with his head (as a sign of approval). He went and asked him, and Rabbi Avin replied: This was treated like the carcass of a kosher bird which conveys *tumah* to a person and his garments while it is still in his throat (although it is "swallowed-up").

The *Gemora* asks: But are the two cases at all similar, seeing that in the case of the bird *neveilah*, no *tumah* is conveyed by external contact (but there is a decree that it may convey *tumah* while it is swallowed), while here, *tumah* would be conveyed when it emerges from the body?

The *Gemora* answers: Here also, it only conveys *tumah* when the discharge emerged from the body.

The *Gemora* asks: But if it emerged from the body, what need was there to mention such a case?

The *Gemora* answers: It might have been presumed that just as the immersion is effective in respect of blood that is internal, it is also effective in respect of that which is external (in the "outer chamber"); therefore, we were informed that this is not the case (and the immersion cannot purify the blood which was located in the "outer chamber").

The *Gemora* asks: The difficulty about Rabbi Zeira's teaching is well resolved, but regarding the *braisa* mentioning the woman after childbirth, the difficulty arises again: If the birth occurred during her *niddah* period, then any discharge during that time is regarded as a regular *niddah* discharge, and if it occurred during her *zivah* period, it is regarded as a *zivah* discharge (and both of these cases are already mentioned)?

The *Gemora* answers: We are dealing here with the case of a dry birth (with no discharge whatsoever).

The *Gemora* asks: But in the case of a dry birth, what point is there in the ruling that *tumah* is contracted internally as well as externally?

The *Gemora* answers: The statement is justified regarding a case where, for instance, the fetus put its head out of the corridor (*and then drew it back*); although the head is now inside of the woman, she is *tamei* as if the fetus had actually been born.

The *Gemora* notes that this is in agreement with Rabbi Oshaya, Rav Hoshaya explains that the reason for this decree (*that a midwife is tamei for seven days if she touched a dead fetus before it was extracted, although its mother remains tahor until extraction had been effected*) was as a precaution lest the fetus protrude its head beyond the antechamber (*the birth canal - in which case, according to everyone, the midwife would become tamei by Biblical law, for the fetus is regarded as born due to the protrusion of its head*).

The *Gemora* notes further that this is also in line with the following ruling: A certain person once came before Rava and asked him: s it permissible to perform a circumcision on the *Shabbos*? Rava replied: It is quite in order to do so. After that person went out, Rava considered: Is it likely that this man did not know that it was permissible to perform a circumcision on the *Shabbos*? He thereupon went after him and said to him: Tell me now all the circumstance of the case. He related to him the following: I heard the child cry late on Friday evening, but it was not born until the *Shabbos*. Rava exclaimed: This is a case of a child who put his head out of the corridor and consequently his circumcision is one that does not take place at the proper time, and on account of a circumcision that does not take place at the proper time the *Shabbos* may not be desecrated. [*The circumcision must, therefore, be postponed until Sunday. At all events, Rava's ruling indicates that the projection of the fetus' head outside of the corridor is regarded as a birth.*] (42a – 42b)

## INSIGHTS TO THE DAF

### When does a Mikvah Purify?

By: Meoros HaDaf HaYomi

A *mikvah* purifies the impure. Utensils, clothes and impure people who immerse in a *mikvah* become pure. When?

An interesting sentence appears in Rambam (*Hilchos Shear Avos HaTumah* 6:16). He writes that if a person is in a *mikvah* and is touching a *neveilah*, *sheretz* or other impure article, he is impure “and when he emerges from the *mikvah*, he becomes pure... and

the same applies to someone who stepped on a *mishkav* lying in a *mikvah*.” A *zav*, who defiles an article on which he sets his weight, entered a *mikvah* and stepped on an article placed on the floor of the *mikvah*: “The *mishkav* (the article stepped on) is impure and when the *mishkav* emerges from the *mikvah*, it becomes pure as the immersion helped.” In other words, when the article emerges from the *mikvah*, it becomes pure as it immersed therein.

**He who emerges from a *mikvah* becomes pure:** A sensational *chidush* emerges from Rambam’s phrasing, as *Kesef Mishneh* writes (ibid): “It seems that the reason is because the impure becomes pure when he emerges from the *mikvah* and not while he is still therein”! The impurity is removed, then, not when he enters the *mikvah* but when he leaves it and if one touches an impure person while he’s still immersed in the water, one becomes impure! We shall now discover that it could be that a person immerses in a *mikvah* but because he doesn’t rush to emerge therefrom, he doesn’t become purified on that day!

Impure *kohanim* need immersion and the sunset. That is, they immerse before the sun sets and afterwards “when the sun sets, he becomes pure” (Vayikra 22:7). After sunset they may eat *terumah* (before sunset they may already eat *ma’aser sheini*) and after they bring the required sacrifices, they may also eat the meat of sacrifices. But if a person immersed close to sunset and his whole body was in the water as the sun set and only afterwards he stuck his head out of the water, he doesn’t become pure till the next day, till the next sunset, as sunset purifies someone who became pure in a *mikvah* whereas if he didn’t yet emerge from the water, he is not purified by the *mikvah* on that day but on the next day (*Gilyonei HaShas*, *Shabbos* 35a; *Or Sameiach*, Ch. 12, *Hilchos Metamei Mishkav Umoshav*). The author of *Gilyonei HaShas* (ibid) finds a source for such in the *Gemara* (*Shabbos*, ibid), which says that an impure person who needs the sunset for his purification “should immerse in the sea and emerge”. The *Gemara* takes the trouble to write that he must emerge from the water before sunset for if not so, he won’t become pure on that day but on the next.

The Acharonim greatly discuss the *Kesef Mishneh*’s *chidush* and assert that it is “a very new thing” while they cite Rishonim, from whose words it is clearly not so (see *Or Sameiach*, ibid, and *Makor Baruch*, 39).



**He who immerses holding a *sheretz*:** Many are familiar with the Gemara (Ta'anis 16a) that immersion doesn't help a person who immerses while holding a *sheretz*: "If a person holds a *sheretz*, even if he immerses in all the water in the world, the immersion is to no avail; if he discarded it, as soon as he immerses in 40 *seah*, the immersion helps him." It is interesting to discover that in this case the *poskim* found two proofs for two contradictory sides.

HaGaon Rabbi Meir Arik zt"l writes that it is evident from here that someone who immerses in a *mikvah* becomes pure while still in the water as the Gemara says "if he discarded it, he is pure". Why if he discarded it? Shouldn't he emerge from the water? We thus see that the impure person becomes pure while still in the water (*Tal Torah*, Yerushalmi, Terumos). On the other hand, others (Responsa *Kisvei Eish*, III, 32) exacted the opposite conclusion from the case of the person immersing while holding a *sheretz*. Why "as soon as he immerses"? After all, he's already in the water. It could only be that "immersion" means entering the water **and** leaving it. Therefore the Gemara says that he who immerses while holding a *sheretz* – he who enters the water and leaves it while holding a *sheretz* – cannot be helped unless he discards it and then "as soon as he immerses"... he should enter the water again and leave it, performing "immersion" and then be pure.

**Immersion as being born anew:** We should conclude with the fine explanation of HaGaon Rabbi Yonah Mertzbach zt"l as to why immersion helps the impure person only when he emerges from the water. He writes that the inner essence of immersion is the sinner's "disappearance" in the water and his rebirth, so to speak, when he emerges, as a human cannot live in water. Thus he leaves his previous world and enters a new one. Therefore he becomes pure only when he leaves the water ('*Aleh Yonah*).

## THE CRY OF AN UNBORN BABY

By: Kollel Iyun HaDaf

**QUESTION:** The Gemara relates that a man asked Rava whether he may perform a Bris Milah on Shabbos. Rava, suspecting that the question was not so simple, asked the man to explain the case. He told Rava that his son was born on Shabbos, but he heard the baby crying earlier during the delivery, on Erev Shabbos. What day is considered the day of birth, Erev Shabbos or Shabbos? Rava

answered that if the baby was heard crying, then that shows that his head had already exited the Prozdor and the birth occurred on Erev Shabbos. Consequently, the Bris may not be performed on Shabbos.

It is clear from the Gemara that the cry of a newborn baby is considered the beginning of the baby's birth.

The **NODA B'YEHUDAH** (YD 2:120) was asked whether a woman is considered to be Tamei when her husband heard the cry of the baby in her womb while she was sleeping, and later no indication of birth was found. Do we assume that the baby's head emerged from the birth canal, and since blood always accompanies the opening of the birth canal, his wife is a Nidah? Perhaps, it is unrealistic to consider that the baby's head emerged from the womb without the various stages of birth occurring, and without even waking its sleeping mother, and the mother is Tahor. What is the Halachah?

**ANSWER:** The **NODA B'YEHUDAH** rules that not only is the woman considered a Nidah, she is even considered a *Yoledes* (and she is Tamei for *two* weeks due to the possibility that the child is a female). His ruling is based on the Gemara here that states that a baby's cry can be heard only when the baby is considered born according to Halachah.

However, the Noda b'Yehudah agrees with the one who asked the question that it is highly unlikely that a woman would be able to remain asleep during such a birth. Therefore, in practice, he rules that since the wife remained asleep, she is Tamei only mi'Safek, out of doubt.

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