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Niddah Daf 33

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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

Cloth under a Cuthean

The *Mishna* said that the Sages decreed that the Cutheans make what they lay on (*mishkav*) impure like an *elyon* - one on top.

The *Gemora* explains that the *Mishna* cannot mean that a Cuthean who sits on ten cloths makes them all impure, as it could have simply said that he makes anything he steps on impure. Rather, the *Mishna* is stating that what is below one who had relations with a *niddah* is only as impure as something that is above a *zav*, and therefore only makes food and drink impure.

The *Gemora* explains that we know that what’s above a *zav* only makes food and drink impure from the verse about the *zav* which states that “anything that is touching anything that is under him will be impure.” The phrase “that is under him” cannot be referring to something under *the zav*, as the earlier verse already says that one who touches what the *zav* sits on is impure. Rather, the verse means “anything [which the *zav*] is under [it]”, i.e., something above the *zav*. Since the verse refers separately to this item, we learn that it only has lighter impurity, to make food and drink impure, but not people or utensils. Since the verse only says “it is impure,” we learn that it is the lightest impurity of food and drink, and not any impurity of a person, even aside from his clothing.

The *Gemora* then cites a *braisa* which teaches how we know that something below one who had relations with a *niddah* has this same impurity. The *braisa* cites the verse about this person which states that:

Her niddah [status] should be on him
He will be impure for seven days
And anything he sits on will be impure

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The first part of the verse implies that he is only impure while she is, but the second part teaches that he is independently impure for a full seven days. The *braisa* explains that the first part of the verse equates him to her to teach that just as she makes people (*and their clothing*) and even earthenware vessels (*by moving them*), so does he. The last part of the verse teaches that this limits the impurity of what he sits on to food and drink, as opposed to what a *niddah* sits on, which can make people and their clothes impure.

Rav Ashi clarifies here as well that since the verse simply says “he makes [what he sits on] impure,” this indicates the lightest impurity, excluding any impurity to a person.

The *Gemora* asks why we don’t say that this verse is structured as a general statement (*first part*), followed by a specific one (*last part*), limiting his impurity to only making something he sits on impure.

Abaye says that the second part interrupts the statements, making them a distant general and specific statement, which doesn’t follow the rule of general and specific.

Rava says that this would follow the structure of a general and specific statement, but the last part has an inclusive language (“*anything*”), making it not a general and not specific statement.

Rabbi Yaakov asks why we don’t equate him to her, saying that just as anything she touches is just as impure as what she sits on, so also what he touches should only be as impure as what he sits on.

Rava answers that the first part of the verse categorically states that her *niddah* status will be “on him,” putting the full force of her impurity on him. (32b – 33a)

Cuthean Wives are Niddah

Rabbi Yitzchak Migdela’a explains that the *Mishna* which states that the Cutheans are considered ones who had relations with a *niddah* is only referring to married ones.

The *Mishna* said that the Cuthean women consider themselves *niddah* on any blood they see.

The *Gemora* cites a *braisa* with more detail on this. Rabbi Meir says that considering any blood impure would seem to be a good behavior, but the issue is that sometimes they will begin their *niddah* status when seeing truly pure blood (e.g., green), and then include impure blood (e.g., red) during their seven days of *niddah*. Since the original blood was pure, her *niddah* period actually begins later, yet she will end it earlier, based on her calculation of when she began seeing.

The *braisa* lists another possible issue – that when counting seven clean days, they begin with the day on which she stops seeing.

Rami bar Chama asks why this is incorrect, as we always consider part of a day equivalent to a full day.

Rava explains that we know that we don’t count a clean part of a day as a clean one from the fact that a *zav* who sees semen during his seven clean days loses a day. If part of a day is like a full day, he should be able to count the clean part of the day.

The *Gemora* deflects this, as perhaps he loses a day when he sees semen at the end of the day, leaving no clean part. Although it is hard to read the verse about a *zav* losing a clean day to be only limited to such a specific case, if it was necessary, we would say the verse must mean only this case. (33a)

Interrupting the Seven Clean Days

Rami bar Chama asks whether a woman counting seven clean days, who emits semen, stops her count or not. Do we consider her to have “seen” the semen, stopping a count of seven clean days (*of not seeing impurity*), or do we consider her to have only touched it, making her impure, but not affecting her count?

Rava says that Rami’s sharpness led him to err, as even if we consider her to see it, she shouldn’t stop her count. She shouldn’t lose the whole count, as she can’t be more severe than the one who deposited the semen, who would only lose one day if he saw it when counting seven clean days (*as a zav*). She can’t lose just one day, as the verse says that “after [the seven days]” she will become pure, implying that the seven days must be contiguous.

The *Gemora* challenges Rava, as the verse about a *zav*’s seven clean days also states that he will become impure after counting seven days “for his purity,” implying that the whole seven days must be contiguously pure. Rather, we must understand the verse about a *zav* to mean the seven days must be pure of *zav* impurity, and we can therefore similarly understand the verse about the woman to mean that they must be pure of *zavah* impurity. (33a – 33b)

Doubtful Impurity

The *Mishna* said that if someone became impure from this clothing entered the Bais Hamikdash, he need not offer a *chatas*, as it is not a certain impurity.

Rav Pappa went to Tavach. He said that if there is a Torah scholar in town, he wanted to greet him. An old lady told him there was one by the name of Rav Shmuel, who learns *Mishnayos* and *braisos*, and she blessed Rav Pappa that he should be like him. Rav Pappa concluded that if she was blessing him to be like Rav Shmuel, he must be God-fearing, and he’ll go to visit him. Rav Shmuel slaughtered an ox for Rav Pappa, and asked him about contradiction between *Mishnayos*. Our *Mishna* says that we consider the impurity of the Cutheans’s clothing

doubtful, and we therefore don't obligate one wearing them who entered the Bais Hamikdash in a sacrifice, nor burn *terumah* which touched them. Another *Mishna* lists *terumah* which touched the clothing of an *am ha'aretz* – *person lax with impurity* among the six doubts over which we burn *terumah*, even though it is only doubtfully impure. Rav Pappa prayed that they would eat the ox in peace, and then answered that our *Mishna* refers to a Cuthean who is a *chaver* - *trustworthy in performing mitzvos*, and we therefore do not consider his impurity as severe. Rav Shmuel rejected this, as the *Mishna* considers him to be one who would have relations with a *niddah*, which a *chaver* wouldn't do. Rav Pappa then left him, and went to Rav Shimi bar Ashi, who said that he could have answered that our *Mishna* refers to a Cuthean who immersed in the *mikveh*, and then stepped on a *chaver's* clothing, which then touched *terumah*. The impurity of an *am ha'aretz* doesn't apply, since he just immersed in the *mikveh*, but there is a possibility of his impurity due to having relations with a *niddah*. It is only doubtful, as there are many possible scenarios, only some of which would make him still impure:

1. Depending on when he had relations, his immersion may or may not be after seven days.
2. Depending on whether she counted correctly or incorrectly (*based on the color of the blood she saw at the start of her niddah period*), she may have been pure or impure after she immersed in the *mikveh*.

Since there are multiple doubts whether he is impure, we may not burn the *terumah*.

Rav Pappa asked how his immersion can help, as his clothes are still impure, and therefore make the *chaver's* clothes impure when he steps on them. Rav Shimi answered that the *Mishna* is a case where he stepped on the clothing while naked. (33b)

Tzeduki Women

The *Mishna* discusses the status of daughters of Tzedukim (*Sadducees*), who do not accept the rulings of the Sages. If they follow their father's path, they are like Cuthean daughters, but if they have left their father's path, they are considered like other Jewish women. Rabbi Yossi says that they are considered

Jewish women, unless they have actively chosen their father's path.

The *Gemora* asks what the first opinion assumes the status of these women is if we don't specifically know what they've chosen.

The *Gemora* says that from the *Mishna* we cannot resolve this, as the two clauses have conflicting implications. The first clause implies that only if they chose their father's path are they considered Cuthean, implying that otherwise we assume they are Jewish, while the second clause implies the opposite.

The *Gemora* resolves this from Rabbi Yossi, who says that we assume they are Jewish unless we know otherwise, implying that the first opinion differs, assuming that they are Cuthean unless we know otherwise.

The *Gemora* cites a *braisa* which tells the story of a *Tzeduki* who was talking with a *Kohen Gadol* in the marketplace, and some of his saliva splashed on the *Kohen Gadol's* clothing. The *Kohen Gadol* became very upset, and went to ask this man's wife how she calculates her *niddah* status. She told him that although we are wives of *Tzeduki* men, we have fear of the Sages, and therefore consult them about the status of any blood we see. Rabbi Yossi says that he is very familiar with the habits of the *Tzeduki* wives, and he sees that they consult and follow the Sages about the status of the blood they see. There was one woman in his neighborhood that did not consult the Sages, but she died.

The *Gemora* asks why the *Kohen Gadol* should not still be impure as the saliva came from an *am ha'aretz*, who we consider like a *zav*.

Abaye answers that this *Tzeduki* was a *chaver*.

The *Gemora* challenges this, as the *Kohen Gadol* suspected him of having relations with a *niddah*, indicating that he was not a *chaver*.



Rava answers that this occurred on a festival, during which we consider all *am ha'aretz* people pure. We know this from the verse describes all of *Bnai Yisrael* gathering to the city, as "one man, *chaverim* - friends," indicating that when the Jews gather together, like on festivals, they are all considered to be *chaverim*. (33b – 34a)

INSIGHTS TO THE DAF

Avoiding Zera

The *Gemora* discusses the status of a woman who saw semen (*from earlier relations*) during her count of seven clean days, asking whether it is simply an impurity of contact, or an impurity of seeing, which invalidates that day. The *Gemora* doesn't resolve the question.

The Raavad says that this is only for the purposes of impurity, but not for the purposes of permitting relations with her husband, but all other Rishonim disagree.

The Rosh (1) says that we must be stringent, and consider it to invalidate that day. The Rosh further says that since it is hard to tell whether she has seen semen, the custom is to not start the seven clean days until it is impossible for this to happen. We rule like the Sages (Shabbos 88b), who say that the semen is able to fertilize for six half-day periods from the time of relations, and therefore we require her to wait until the end of the fourth day from relations, to ensure a full three days.

The Terumas Hadeshen (245) says that that one should add another day, as perhaps she will have relations during twilight, and assume that it is still day time, but it is actually night time. To account for such an error, we add another day. He cites customs in some locations that had the custom to wait a full six or seven days. He also cites the Or Zarua who says that the custom is to wait these days even if she had no relations at the start of them.

The Bais Yosef (YD 196) says that the custom in his region is to wait only four full days from the last time of relations, and nothing more.

The Shulchan Aruch (196:11) rules like this, limiting the waiting time to a full four days from the last time of relations.

The Rama cites the custom listed by the Terumas Hadeshen, and says that the custom in his region is to wait at least a full five days, even if she had no relations.

For further discussion on the contemporary custom of Sefardim, see Rav P'alim (YD 2:1seven, 4:20), who cites the custom of a minimum of six or seven days, and Yabia Omer (YD 5:1seven), who rules like the Shulchan Aruch.

DAILY MASHAL

He Never Glanced Aside!

By: Meoros HaDaf HaYomi

A famous lawyer, who participates in a *shi'ur* organized by Meoros Daf Hayomi, has recently been active among his friends and acquaintances from various sectors, persuading them to join the circle of Daf HaYomi learners. He was accompanied with special Heavenly help, for even when it seemed he was operating where there was no chance for success, he succeeded. *Shi'urim* were established and new people are learning.

Usually, he has a legal demeanor. He sees the world through somber black-framed glasses and if he tilts his head down to look at you over their rims, you have what to worry about... All his conceptions derive from the realm of law, where he has spent decades, so it's no wonder that when he's asked how he manages to attend the *shi'ur* regularly over such a long period – ever since he was conscripted by HaGaon Rav Chayim Dovid Kovalski, head of the *beis midrash* for Daf HaYomi lecturers – he answers with the following story.

There are countries, including the United States, where trials are held with great contestation between the prosecutor and the defense counsel. The trial is not based merely on proofs but on rhetoric, demagoguery and the power of persuasion.

One day a city in such a country was tumultuous when a famous criminal was caught, thanks to a major secret operation. For years the man deceived people, robbed their property and stripped them of their money with devilish dishonesty – no one felt sure of his belongings. When the thief was caught and brought to trial, many people gathered to lay eyes on the notorious criminal and observe the fascinating scene expected during the litigation between the prosecutor and the defense counsel.

The prosecutor did his job well. In a calm voice he enumerated the man's crimes one by one, cleared his throat from time to time and 'inadvertently' raised his voice impassionedly. When he counted the last crime, his thunderous voice filled the court, making hearts tremble, and if not for the guards, the audience would have lynched the criminal irrevocably. The prosecutor stood in silence for a long moment looking at the pages before him. When he felt that his words had had the desired effect, he closed his folder sharply and stepped down.

The defender made his way to the center of the hall with a somewhat amused expression. His bank account had inflated regardless of the results of the trial but, aside from that, he had a good reason to smile. He faced the greatest challenge he had ever encountered and he would actually succeed, if not for... well, let's not run ahead.

"Honored court," he began, "I think that all my words are superfluous. The accused's innocence will be soon proven because in another five minutes the real criminal will appear." He raised his hand impressively and pointed to the doors. "There, in another five minutes, he'll open the door and appear before us."

It was a real drama. Whispers in the audience grew louder while he continued to explain that until then he wanted, at any rate,

to disprove some of the accusations and cast a doubt on others. In a monotone, he counted out the crimes of which the man was accused as if they were a grocery list and explained that the events didn't happen exactly so and, actually, it was not so awful. Five minutes passed and another five minutes - he finished speaking only after half an hour. If anyone had a good reason to doubt the defender's sanity, it seemed that there was no greater opportunity. Half an hour after his announcement nothing happened. No one appeared and identified himself as the real criminal but the defender still appeared calm. A few seconds later, the defender proved that any money the accused had paid him was justified.

He straightened his tie, rubbed his hands and addressed the court: "I have been looking at you well during the last half hour. There was no one who didn't look every few seconds at the door to see the real criminal. Please tell me, if you're so sure that the accused is the criminal, why did you look toward the door so much? After all, the criminal is sitting here with us! You yourselves proved that you're not sure that he's the criminal." Everyone applauded. The defender had excelled.

One man sat silently waiting for the uproar to subside: the prosecutor. He stood up and faced the audience: "When all of you were looking at the door, I looked only at one place all the time. I watched the accused's eyes. I want to tell you that he never even once glanced toward the door... Is there need for any greater proof that he knows better than all of us that the criminal will never appear at the door because he's already with us?"

A surprising broad smile crossed the lawyer's face when he realized with satisfaction that his audience thoroughly enjoyed the story. He concluded, "I know that there's nothing more important to me than the Daf HaYomi. I discovered this once I began to regularly attend the *shi'ur* and since then I don't glance aside in any direction when the time comes. Nothing interests me, only the Daf HaYomi, because I know that no worldly gain comes anywhere near its precious value."

A point for thought

