



Volume 6. Issue 55

Backward Rulings about *Tumat Nidah*

The first *Mishnah* in *Masechet Niddah* deals with a woman that discovers that she is a *nidah*. A woman becomes a *nidah* when the *dam* detaches even if it has not left her body. At that point she becomes *tameh*. Since it is possible that she became a *niddah* some time prior to discovering the fact, a debate ensues in the *Mishnah* regarding the status of the *taharot* that she touched prior to this discovery. Do we assume that they are *tameh*? If so, how far back in time do we make that assumption?

There are three opinions in the *Mishnah*. *Beit Shammai* says that everything that she touched prior to the discovery is deemed *tahor*. *Beit Hillel* takes the opposite positioning that everything that she touched since the last time she did *bedika* is considered *tameh* – even if it was a number of days. The *Chachamim* however rule that anything within the time period of twenty-four hours or since the last *bedika* (whichever is shorter) is *tameh*; anything prior to that is *tahor*.

It has been some time, but with *masechet Nidah* we once again have the fortune of a *Gemara* to enhance our learning. The *Gemara* analyses this debate extensively. Nonetheless we will focus only on the first understanding brought of the debate.¹ The *Gemara* begins by explaining that *Beit Shammai* holds that the woman has a *chazaka* that she is *tahor*. Since she was *tahor* previously we make a presumption that she was *tahor* till now.

A question is raised on this understanding of *Beit Shammai*. Recall the (generalised) distinction made

when we were learning *Taharot*: a doubt regarding *tumah* in the public domain is *tahor*, while in the private domain it is *tameh*². The latter ruling of *tameh* is despite a *chazaka* in the reverse! The *Ran* provides two answers. The first is that the law of the *safek tumah* in a private domain is *tameh* is learnt from *parashat Sotah*. There the source of *tumah* is a certainty; the doubt however is concerning contact. In our case doubt is with the source of *tumah* itself – when did she become a *nidah*? Consequently our case is different and we can rely on a *chazaka*.

The *Ran* provides another answer. The principle of *safek tumah* in a private domain is *tameh* is a ruling that applies only from the time that the doubt occurs and onwards. Here we are trying to achieve more than that. The question is whether we can retroactively cause all the *taharot* she touched to become *tameh*. Consequently we can rely on a *chazaka*.

How would *Beit Hillel* respond?

The *Gemara* continues that while the principle of *chazaka* would ordinarily apply, this case is different since there is a “*rei'uta*”. *Rashi* explains that in normal cases when an item is *tahor* and we have no reason to assume this item will ever become *tameh*. When faced with a doubt we maintain the status quo. In our case however, she will inevitably become *tameh* as part of the natural cycle. In such cases a *chazaka* does not help.

Yisrael Yitzchak Bankier

¹ For example, *Rava* understands that everyone agrees that *m'ikar ha'din* everything is *tahor*. *Beit Hillel* however argues that an extra stringency should be enacted with respect to *taharot*. *Beit Shammai* feels that such a stringency could hinder *priya u'reviya* whereas *Beit Hillel* disagrees as the stringency only applies to *Taharot*.

² Review the various exceptions to this generalised rule.

Revision Questions

מקואות ט: ה' – י: ח'

- For what items listed in the *Mishnah* are *zefet* and *mor* a *chatzitza*? (List some.) (ט: ה')
- For which of those items is there a difference between a wealthy and poor person and why? (ט: ה')
- Concerning a saddle, for which people does *zefet* not constitute a *chatzitza*? (ט: ה')
- What are three opinions regarding when *zefet* is a *chatzitza* on clothing? (ט: ו')
- For which aprons does the law of *chatzitza* not apply? (ט: ו')
- What is the general rule regarding when something constitutes a *chatzitza*? (ט: ו')
- Provide three cases when a handle is a *chatzitza* for a utensil? (ט: א')
- What is the law regarding a utensil that was immersed face down? (ט: א')
- Which utensil needs to be immersed on its side? (ט: א')
- Which utensil needs to be perforated before it can be immersed in a *mikveh*? (ט: א')
- Does a pillow need to be opened prior to immersion? (ט: ב')
- Do *tefillin* need to be opened prior to immersion? (ט: ב')
- What are some of the items listed in the *Mishnah* that do not require opening prior to immersion? (ט: ג')
- What are some of the items that do? (ט: ד')
- For how long must folded clothing be immersed in the *mikveh*? (List both cases.) (ט: ד')
- Explain the debate regarding immersing *keilim* whose handles are too long. (ט: ה')
- How much of a chain that is connected to a *tameh* bucket must be immersed in a *mikveh*? (ט: ה')
- What is the debate regarding the restrictions on purifying *tameh* water? (ט: ו')
- What is the law if one immerses a *kli* that is full of: (ט: ו')
 - Wine?
 - Urine?
 - *Mei Chatat*?
- How are the laws that apply to *tameh* liquid stricter than the laws of liquids that apply to *mikvaot*? (ט: ז')
- What is the difference if one drank *tameh* water or other *tameh* liquids, immersed in a *mikveh* and then vomited them out? Which other case is similar? (ט: ח')
- What is the law regarding one that immersed with an arrow in them? (ט: ט')

נידה א' א' – ג'

- Explain the debate regarding the *taharot* of a woman that discovers she is a *niddah*. (א: א')
- When would the law be different? (א: א')
- What example is brought for the opinion of *Beit Shammai*? (א: ב')
- According to *R' Eliezer* which women are excluded from the debate? (א: ג')

Local Shiurim

Sunday -Thursday

15 minutes before *mincha*
Mizrachi Shul

Friday & Shabbat

10 minutes before *mincha*
Beit Ha'Roeh

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
7 th March כ"א אדר	8 th March כ"ב אדר	9 th March כ"ג אדר	10 th March כ"ד אדר	11 th March כ"ה אדר	12 th March כ"ו אדר	13 th March כ"ז אדר
Nidah 1:4-5	Nidah 1:6-7	Nidah 2:1-2	Nidah 2:3-4	Nidah 2:5-6	Nidah 2:7-3:1	Nidah 3:2-3

