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YESHIVAS IYUN HALACHA

DARCHEI CHAIM
HILCHOS NIDAH PROGRAM

VOLUME 1 SHIUR 1

יו"ד סימן קפג סעיף א

Introduction

The Nidah program is sponsored
l'ilui nishmas R' Chaim Bitton
ben Esther z"l - 22 Elul 5704
Mr. Chaim Bitton z"l
by the Bitton family



EDITION 1.1

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לעילוי נשמת
ר' חיים
בן אסתר ז"ל
Bitton

כ"ב אלול תש"ד

10 Sept. 1944

ת.נ.צ.ב.ה.

*Toiling exclusively for Olam Haba, he did not
even leave a picture of himself*

*Torah and Chessed were the only values which
mattered for him and he accomplished a lot in
his short lifespan.*

*May this program be a nachat for his neshama
and help his whole family follow his steps and
example in "Darchei Chaym"*

HILCHOS NIDAH VOL. 1 SHIUR 1

מראה מקומות

סימן קפג סעיף א

Tur

ת"ש *until* נז ע"ב אמר שמואל *Gemora Nida*

אמר רב ירמיה *and bottom of the amud*

נח ע"א על עקבה *until*

Shulchan Aruch

ס"ק א *Taz*

ס"ק א-ג *Shach*

והוא שתרגיש *Gilyon Maharsha*

ס"ק א *Pischai Tshuva*

חידושים ס"ק ב *Chavas Da'as*

Written by Rabbi Aharon Schenkolewski

PREFACE

Before we begin, it is important to familiarize ourselves with the main Rishonim and Achronim that we will be learning in Hilchos Nida.

Rishonim

◆ Rif

The Rif on Hilchos Nida is found in the back of Maseches Shavuos (many of the newer editions of the Gemora print this in the back of Gemora Nida).

◆ Rambam

The Rambam on Hilchos Nida is found in ספר קדושה in the section הלכות איסורי ביאה.

◆ Rosh

Found in the back of Gemora Nida.

◆ Rashba

The Rashba wrote Toras Habayis which is divided into seven sections. Hilchos Nida is found in בית שביעי. The Toras Habayis has two parts; the longer Toras Habayis Ha'aruch, in the middle of the page, and the Toras Habayis Ha'katzar on the margin. Also, found in Toras Habayis is the Bedek Habayis, the critical comments of the Ra'ah, and Mishmeres Habayis, the Rashba's replies to the Ra'ah's comments.

◆ Ra'avad

The Ra'avad wrote sefer Ba'alai Hanefesh.

◆ Ramban

The Ramban wrote a short summary of the halachos of Nida, which is found in most standard editions of the Ramban on Gemora.

It is worthwhile to purchase a Toras Habayis, Ba'alai Hanefesh L'ha'Ra'avad and Ramban.

Achronim

After the Shulchan Aruch, Taz and Shach, the main Achronim are the following:

◆ Toras Hashlomim

Written by Harav Yaakov Raisher, who is also the author of Minchas Ya'akov on the Toras Chatas. Found on the page of the Shulchan Aruch.

◆ Chavas Da'as

Written by Harav Yaakov of Lisa, and found in the back of the Shulchan Aruch. He is also the author of Nesivos Hamishpat.

◆ Sidrei Taharah

Written by Harav Elchonon, and found in the back of the Shulchan Aruch.

◆ Tiferes Yisroel

Written by Harav Yehonasan Eibeshitz; many times referred to as Kraisi U'plaisi, the name of his sefer on the first section of Yoreh Daya.

◆ Chochmas Adam

Written by Harav Avraham Danzig; in the section called Binas Adam, at the bottom of the page (and in some editions in the back of the Chochmas Adam), he goes into some halachos in greater depth.

◆ Aruch Hashulchan

Written by Harav Yechiel Michel Epstein.

◆ Shulchan Aruch Harav

Written by Harav Shneur Zalman of Liadi, also known as the Ba'al HaTanya.

HILCHOS NIDAH INTRODUCTION

The Torah (ויקרא פרק טו פסוק יט-לג) speaks about two types of menstruation that render a woman טמאה and forbidden to her husband. She remains forbidden until she becomes טהורה by immersing in a מקוה or מעיין (spring).¹

◆ Nidah

In פסוק יט it states: "וְאִשָּׁה כִּי תִהְיֶה זָבָה דָּם יִהְיֶה זֹבֵה בְּבִשְׂרָהּ שִׁבְעַת יָמִים תִּהְיֶה בְּנִדְתָּהּ וְכוּ'". A woman that has a flow - of blood flowing from her body - is in the state of nidah for seven days.

Once a woman sees blood (i.e. has menstrual-type bleeding), מדאורייתא she is forbidden to her husband for seven days, including the days that she sees blood. At the end of the seven days, if the bleeding has stopped she does a טהרה הפסק by inserting a cloth into her

1. The laws of what is included in the category of מעיין are complex and can be found in Hilchos Mikvaos (סימן רא).

vagina to make sure it is clean.² She can then immerse in a mikveh and is permitted to her husband. (This is according to the Torah-level prohibition. We will soon learn the din d'rabbanan.)

◆ Zivah

In פסוק כה it states: "ואשה כי יזוב זוב דמה ימים רבים בלא עת נדתה או כי תזוב על נדתה וכו'". A woman who has a flow of blood for many days, not in the normal time of menstruation, or her flow continues beyond her time of menstruation, is טמאה like a nidah. (But she is then called a zavah.)

A zavah is forbidden to her husband, and must wait to immerse in a mikveh until she does not see blood for seven consecutive days. These days are known as שבעה נקיים.

Calculating the Days of Nidah and Zivah

There is a machlokes between the Rishonim regarding how to calculate the days when a woman is susceptible to become a nidah or a zavah. Everyone agrees that when a woman first sees blood she is rendered a nidah.

According to the Rambam (הלכות איסורי ביאה פ"ו ה"ד-ה"ו) once a woman has a steady period, she counts seven days from the beginning of her period. Those seven days are called the days of nidah (and if she sees blood she becomes a nidah). The next eleven days, from the 8th to the 18th day from the beginning of her period, are the days of zivah. After the 18th day, whether or not she sees blood, she begins the days of nidah again. In other words, she counts seven days and eleven days continuously, seven days of nidah and then eleven days of zivah, regardless of when she sees blood. If she has her period or sees blood during the seven days, she has the din of nidah. If she has her period or sees blood during the eleven days, she has the din of zivah. However, if she becomes pregnant, the cycle stops and does not restart until she starts seeing again after giving birth.

In contrast, the opinion of all other Rishonim³ is that when a woman has a period or sees blood, she has the din of nidah. From the start of seeing blood, for the first seven days she is a nidah. Afterwards, any blood she sees in the following eleven days has the din of zivah. Once those eleven days pass, if she did not see for three consecutive days during the days of zivah, she goes back to the days of nidah, but does not start the cycle again until the next time she sees blood. If she does see blood for three consecutive days during the days of zivah, she will only start the days of nidah again after she has seven consecutive clean days.

The halacha is like the second opinion.

2. We will learn more about how a הפסק טהרה is done in סימן קצו.

3. See Rashi Erchin פתח ד"ה ע"א ד"ה פתח, Ramban פ"א ה"י-ה"ב and Rabbainu Yonah Brachos ד"ה בנות.

The Laws of the Days of Zivah

As we will see later, we no longer differentiate between the days of nidah and zivah, and always require שבועה נקיים. Nonetheless, in order to understand why the Chachamim made this gezaira, it is important to know the basic laws of zivah as laid out by the Tur.

♦ One or two days – זבה קטנה

If a woman sees blood one or two days during the days of zivah, she is called a זבה קטנה. If she sees blood one day, she does a הפסק טהרה afterwards, and if it is clean she can go to the mikveh the next morning.⁴ However, she may not have relations until the following evening after nightfall, in case she sees blood again during the day, which would make her טמאה retroactively. The second day is known as שומרת יום כנגד יום (keeping a day for a day, i.e. one clean day for one day of bleeding).

If the woman sees again on the second day and stops bleeding, she does a הפסק טהרה and then can go to the mikveh the morning of the third day, but is forbidden to her husband until the evening.

♦ Three days – זבה גדולה

If the woman sees again on the third day, she has the status of a זבה גדולה, and will not be permitted to her husband until she does not see blood seven consecutive days, not including the day she does a הפסק טהרה. On the seventh clean day, she can go to the mikveh in the morning, but is forbidden to her husband until the evening.

♦ 10th and 11th Day

If she does not see blood during the eleven days of zivah until the eleventh day, she can go to the mikveh the next morning and is permitted to her husband immediately. She does not have to be שומרת יום כנגד יום, since on the following day which is the twelfth day, she is no longer in the days of zivah, so seeing blood the next day will not render her forbidden retroactively.

If she sees on the tenth day of the eleven days, there is a machlokes in the Gemora (Nidah עב ע"ב) whether she will be permitted to her husband on the eleventh day after immersing in a mikveh. The argument is whether seeing on the eleventh day will render her forbidden retroactively, even though she cannot become a זבה גדולה since the next day is beyond the days of zivah.

♦ Mid'rabbanan

The Gemora in Nidah (טו ע"א) states:

4. As we will see in סימן קצא, according to Torah law a zavah goes to the mikveh during the day, and a nidah at night.

When Rebbi was in the fields (villages where people are not learned) he instituted that if a woman sees [blood] one day, she is forbidden that day and another six days. If she sees two days, she is forbidden those days and another six. If she sees three days, she must wait **שבעה נקיים**.

Rashi explains that Rebbi issued this edict because women would get mixed up between the days of nidah and the days of zivah. The Rif explains further that mid'oraissa only four shades of red render a woman a nida. However, the later generations were not proficient to differentiate between the different shades of red. Therefore, a woman who sees blood may think she started the days of nidah when she did not, and will not correctly calculate the days of nidah and zivah.

Accordingly, women must follow the stringencies of both zivah and nidah.

- ◆ If she saw one day, it might be the days of nidah, and therefore she is not permitted until after seven days, including the one she saw.
- ◆ If she saw two days, the first day might be in the days of zivah and the second day in the days of nidah. Therefore, she must wait another six days after the second day that she saw, before going to the mikveh.
- ◆ If she saw three days in a row, since they might be in the days of zivah, she must wait **שבעה נקיים**.

The Gemora then cites Rebbi Zaira who carried this one step further.

Rebbi Zaira said Jewish women accepted on themselves the stringency that even if they see blood like (the size of) a mustard seed (or smaller), they wait **שבעה נקיים**.

The Ran gives two explanations for the stringency of Rebbi Zaira.

1. A woman might see during **בין השמשות** (twilight, which is considered a safek whether it is still the previous day or the following night) and think she only saw two days and not three.
2. If a woman is a zavah and is counting **שבעה נקיים**, any drop of blood that she sees can invalidate her **שבעה נקיים** and she must start counting seven days again. Since there are times when a drop of blood can cause her to wait **שבעה נקיים**, we are strict in all cases to require **שבעה נקיים**.

The Rishonim write that the stringency cited by Rebbi Zaira became the accepted halacha.

סימן קפג סעיף א – HARGASHOS

THE SOURCE

There are five points mentioned in the Mechaber which are learned from three psukim.

The passuk in (פרשת מצורע (ויקרא פרק טו פסוק יט states:

"ואשה כי תהיה זבה דם יהיה זובה בבשרה."

Another passuk in (פרשת מצורע (שם פסוק כה states:

"ואשה כי יזוב זוב דמה."

The passuk in (פרשת קדושים (פרק כ פסוק יח states:

"ואיש אשר ישכב את אשה דוה וגילה את ערותה את מקורה הערה והיא גלתה את מקור דמיה וכו'."

1. Blood from the uterus:

The Toras Kohanim deduces from the words (מקור דמיה) והיא גלתה את מקור דמיה that only blood originating from the uterus renders a woman a nidah.

2. Hargasha:

The Gemora Nidah (נז ע"ב) cites Shmuel's statement that if a woman checked the ground where she sat down (and saw that it was clean), and when getting up sees blood where she sat, she is טהורה. From the word בבשרה we learn that mid'oraissa only blood accompanied by a הרגשה (a feeling that menstruation has begun) renders a woman a nidah.

The Gemora at the end of the amud cites Rav Yirmiyah who states that Shmuel agrees she is טמאה מדרבנן. The Gemora later (דף נח ע"א) states that the reason why Shmuel said she sat on the ground and not on a garment is that there is less chance of not noticing blood on the ground (so it more likely came from the woman), and nonetheless מדאורייתא she is טהורה.

3. Did not leave the body:

The Mishna (מ ע"א) and Gemora (מא ע"ב) in Nidah learn from the words (דם יהיה זובה בבשרה) that once a woman has a bloody discharge from the uterus to the vagina, the woman is rendered a nidah even if the blood does not come out of her body.

4. The size of a mustard seed:

The Mishna (ibid) states that even if a woman only sees a drop of blood the size of a mustard seed or even smaller she is rendered a nidah.

5. Naturally or unnaturally:

The Gemora (לו ע"ב) learns from the words (ואשה כי יזוב זוב דמה) that even if the blood comes out unnaturally (due to an outside influence), she is טמאה. Rashi explains that the word זוב includes any flow, whether natural or unnatural.

 SHULCHAN ARUCH

The Mechaber writes:

If blood came out of a woman's uterus, whether by force (for example she jumped) or on its own accord (by the course of nature) she is טמאה. This is only if she has a הרגשה (feeling) when it comes out. However, if she had a הרגשה that it left its place (the uterus) and came out (to the vagina), she is טמאה, even though it did not reach the outside [of her body].

The Shach (ס"ק ב) points out that when the Mechaber writes that she is only טמאה if she has a הרגשה, he means only מדאורייתא. However, מדרבנן she is טמאה even if she does not have a הרגשה. Accordingly, the Toras Hashlamim writes that any blood she sees without a הרגשה has the din of a כתם and is only טמאה if it is the size of a gris (as we will learn in סימן קצ). However, the Gilyon Maharsha cites the Tiferes Yisroel⁵ who asserts that if she knows the blood came from her body, she is טמאה even if she saw just a drop of blood.

What remains to discuss is what exactly a הרגשה is. The Pischai Teshuva (ס"ק א) lists three types of הרגשה.

1. נדדעזע גופה - her body trembles, this is found in the Rambam (איסורי ביאה פ"ה הי"ז).
2. פתיחת פי המקור - she has a feeling that her uterus opened.
3. זיבת דבר לח - she has a feeling of a flow in her vagina. The opinion of the Noda B'Yehudah (יו"ד סימן נה) is that this is a הרגשה. The Chavas Da'as (סימן קצ סק"א) agrees that it is a הרגשה, but only if she feels the flow is from the uterus. According to the Chasam Sofer a feeling of a flow is not considered a הרגשה, and he writes that this is how his Rebbi Rav Nosson Adler ruled.

◆ סימן or סיבה

One can ask: is a הרגשה a סיבה (cause) or a סימן (sign)? Is a הרגשה a סיבה, meaning there is a גזירת הכתוב that a woman is only rendered a nidah if she had a הרגשה? Or is a הרגשה just definite proof that the blood came from the uterus, and in regard to nidah the Torah is telling us that if there is no definite proof that the blood came from the uterus, she is טהורה. The practical difference between these possibilities will be in a case where she knows for certain through some other means that the blood definitely came from the uterus.

The opinion of the Maharam M'Lublin (an early achron), cited in the Gilyon Maharsha, is that she is only a nidah if she had a הרגשה, even though the blood definitely came from the uterus. There is a machlokes Achronim whether the halacha is like the Maharam M'Lublin.

5. Written by Rav Yehonasan Eibeshitz; also referred to as the Kraisi U'plaisi.

- ◆ The Sidrai Taharah (הרגשה וטרם אכלה) (סימן קצ ס"ק צג בא"ד וטרם אכלה) argues that the opinion of Rashi and Tosefos is that if it is clear that the blood came from her uterus, she is טמאה even though she did not have a הרגשה.
- ◆ The Chochmas Adam (Binat Adam ט כלל קיג אות ט) argues that if she does not have a הרגשה she is טהורה. This is also the opinion of the Kraisi U'plaisi (cited in the Yad Avraham), who writes that she has the din of seeing a כתם (a stain, which only renders her מדרבנן).

Practically speaking, women in our times do not generally feel a הרגשה. Even so, according to the Sidrai Taharah, since a normal period can only come from the uterus, when a woman has her period, she is a nidah d'oraissa. But according to the Chochmas Adam, which is the opinion of most poskim, the question remains what status contemporary women have. There are two approaches:

1. The Aruch Hashulchan writes that women actually do have a הרגשה, but women today are not relaxed enough to notice it.
2. When she has her regular period, it is not necessary to know she had a הרגשה in order to be a nidah d'oraissa. A הרגשה is only required when she sees blood not typical of her regular period.

Exceptions

There are three exceptions, when a woman is טמאה from seeing blood even though she did not seem to have a הרגשה.

1. The Shav Yaakov, cited in the Kraisi U'plaisi (ס"ק א) and Sidrai Taharah (ס"ק ב), writes that if she finds blood on a cloth that was inserted in the vagina, she is טמאה מדאורייתא. This is because we assume that there was a הרגשה, but she did not realize it because of the cloth that was inserted. However, if she just wipes herself externally and finds blood, we do not say that she had a הרגשה.
2. Similarly, they write, if she sees blood immediately following תשמיש (intercourse) she is טמאה מדאורייתא, since we assume that there was a הרגשה during תשמיש and she did not notice it.
3. The Chavas Da'as (חיד' סק"ב) adds that if she sees blood immediately after urinating, we also assume there was a הרגשה and she did not realize it. The advice of the Rabbanim is that women should not look at the first tissue they use for wiping after using the facilities.⁶

6. She need not look at the tissue because if we do not know that she saw blood, we need not be concerned. This is based on a few factors. 1. There are authorities that disagree with the Chavas Da'as. 2. She can bleed for other reasons, and it is difficult to discern the source of the blood. 3. The toilet paper might not have been clean.

A Drop of Blood

The Mechaber continues:

Even if she only saw a drop like (the size of) a mustard seed, she must wait seven clean days (as explained further in קצו סימן – Rama).

The Shach (ג"ק) writes that even if the drop is smaller than a mustard seed she is טמאה.

If the drop is so small that it can only be seen with a microscope (or other magnification), everyone agrees that it does not render a woman טמאה. However, if one sees something questionable and can only tell what it is by using a magnifying glass, even though one can only tell that it is blood using the magnifying glass, she is טמאה.

The Rama concludes:

There is no difference between an unmarried woman and a married woman regarding the prohibition of nidah, since anyone who has relations with a nidah receives כרת (dying prematurely).

The source of this Rama is the Rivash. He adds that we do not allow an unmarried woman to go to the mikveh, in order to discourage illicit behavior.

It should also be pointed out that any unmarried woman who has reached puberty has all the same restrictions as a married woman.⁷ The only exception is that her hair may be exposed. Therefore, one may not touch a woman who has reached puberty, and may not say brachos, daven or learn Torah facing a woman (even his wife) who has reached puberty if she is improperly dressed.

7. There are some exceptions for a person's mother, daughter, and according to some his sister, but the details are beyond the scope of this shiur.

CHAZORA PART 1

1. מדאורייתא when can a nidah go to the mikveh and when can a zavah go to the mikveh?
2. How are the days of nidah and zivah calculated?
3. What makes a woman a זבה קטנה, and what makes her a זבה גדולה?
4. What was the takana of Rebbi?
5. What is the stringency of Rebbi Zaira?
6. What five dinim are discussed in א סעיף א?
7. What are the three types of הרגשות?
8. Is a הרגשה a סיבה or a סימן?
9. When is a woman considered a נדה מדאורייתא even if she does not feel a הרגשה?
10. How much blood must she see to become טמאה?
11. What stringency applies to an unmarried woman, and what leniency?