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From Bread of Affliction to Bread of Affection

CHIEF RABBI LORD JONATHAN SACKS

The Seder opens with a strange declaration: “This is the bread of affliction our ancestors ate in the land of Egypt. Let all who are hungry come and eat.” What kind of generosity is it to invite strangers to eat the bread of affliction?

In my Haggadah, I offered a radical interpretation. We find that in the course of the seder two conflicting interpretations are given of *matzah*. At the beginning, it is called the bread of affliction, the food of slaves. Later, however, we speak of it as the bread of freedom that our ancestors ate as they were leaving Egypt in such a hurry that there was no time for the dough to rise.

How does affliction turn into freedom? When we share our bread with others. I learned this from the harrowing account of the last days of the Second World War by one

of the survivors of Auschwitz, Primo Levi. Levi writes in *If This is a Man*, that the hardest time was the ten days between the evacuation of the camp by the Nazis and the arrival of the Russian army.

The only people left in the camp were prisoners deemed too ill to take part in the “death march” as the Germans left. It was bitterly cold, mid-January. There was no electricity, no heat, and no meals. Levi describes how he worked to light a fire and bring some warmth to his fellow prisoners, many of them dying. He then writes:

“When the broken window was repaired and the stove began to spread its heat, something seemed to relax in everyone, and at that moment Towarowski (a Franco-Pole of twenty-three with typhus) proposed to the others that each of them offer a slice of bread to us three who had

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been working. And so it was agreed.”

At that moment, writes Levi, we ceased being prisoners and became free human beings again. As long as the Nazis were in power, it was suicidal to share your food with a fellow prisoner. You would starve. One who fears tomorrow does not offer his bread to others. But one who is willing to divide his food with a stranger has already shown himself capable of fellowship and faith, the two things from which hope is born. It was this first act of generosity, of empathy and altruism, that signalled the survivors had recovered their humanity.

That is why we begin the Seder by inviting others to join us. When we share our bread with others, it ceases to be the bread of affliction and becomes the bread of freedom.

We are, thankfully, a very long way from that particular Egypt, but the principle remains. There are Jews and non-Jews today who live in poverty, in Britain, in America, in Israel and elsewhere. Let us do what we can to help them. In the last month of his life Moses warned the Israelites – children of the people he had led to freedom – that the biggest challenge they would face would be not poverty

but affluence, not affliction but freedom.

When we are affluent we tend to forget about others. Affluent societies throughout history have tended to become self-centred and individualistic. People lose the sense of solidarity they had when they and their friends and neighbours were poor. The Jewish answer to this has always been *tzedakah*, giving to others, and *hachnasat orchim*, hospitality to others.

So, before Pesach, the custom is to give *ma'ot chittim*, money to those who lacked it, so that they could buy the requisites for the Seder meal. I can still remember from my childhood how my late grandmother, who ran the Frumkin's wine shop in London's Commercial Road, would give away free bottles of wine to all needy Jews in the East End so that they and their families would have their four cups for Seder night.

Pesach is the most dramatic story of slavery to freedom ever told, one that has become the West's most influential source-book of liberty. Today, we must remember that the move from affliction to freedom begins in the act of sharing our blessings with those who have less than us.

Taste no Evil? Ta'am Chametz and the Prohibitions of Bal Yeira'eh and Bal Yimatzei

MORDECHAI SHICHTMAN

The Torah prohibits owning chametz on Pesach. We eat and burn our chametz and clean our house, but while we use separate utensils for Pesach, what is the status of ta'am chametz, taste infusions? Must we worry about chametz taste inside of foods and inside of vessels?

Rav held one must break earthenware jugs which contain infusions of ta'am chametz. Rashi explains that Rav held that two foods of similar types cannot be nullified in rov and that benefiting after Pesach from chametz owned by a Jew over Pesach is a Biblical prohibition. The Talmud asks on Rav: why must one break the vessels; why can one not simply wait until after Pesach and use the vessels with foods of different types? The Gemara answers: Rav is worried one will use the vessels with foods of the same type, and he thus ruled that one must break the vessels. From this, it appears that the only potential reason to worry about chametz taste inside vessels is if one holds that: a)

chametz owned by a Jew over Pesach is a Biblical prohibition, and b) two items of similar types are not nullified. Since we follow the opposite opinions, that a) eating chametz owned by a Jew after Pesach is only rabbinically forbidden, and b) two foods of similar types are nullified in a simple majority, there is no reason to worry about taste infusions in vessels. By why should this be? Normally, we assume that ta'am k'ikar, taste infusions from forbidden foods are halachically equivalent to non-Kosher food itself.

I propose three reasons why bal yeira'eh and bal yimatzei might not apply to chametz tastes. First, the rule of ta'am k'ikar may not apply across the board. According to Rav Chaim Soloveitchik, ta'am k'ikar is not simply an extension of the original prohibition but is a separate prohibition of taste. I believe support for this approach may be found in the Mishnah in Zevachim 35a. If one

slaughters an animal offering with the intentions of eating the animal's gravy (rotev) outside of its appropriate time or place, the offering is still completely valid. Even though gravy certainly contains the animal's taste, apparently, in this area, we do not say one can affect the offering's status with improper thoughts regarding the gravy. Similarly, it is possible that the prohibition of owning chametz does not apply to chametz taste.

While this first approach argued the halachic status of tastes preclude them from being subject to bal yeira'eh and bal yimatzei, these next two approaches explain that because of the nature of bal yeira'eh and bal yimatzei, they do not apply to tastes. The simple reading of the Talmud (Pesachim 6b) tells us that bal yeira'eh and bal yimatzei do not apply to crumbs because they are insignificant. This indicates that bal yeira'eh and bal yimatzei apply only to significant items, and taste infusions certainly are not sig-

nificant.

The Ran and the Pri Megadim entertain the possibility that the reason the Torah forbade us from owning chametz is to ensure we do not eat it. Since one will not eat pots and vessels, it follows one should not violate bal yeira'eh and bal yimatzei for chametz tastes infused in vessels. Similarly, the Chazon Ish proposes that chametz tastes in vessels are similar to chametz buried under rubble. (According to this approach, the chametz taste should still need to be included in the bitul chametz.)

According to this approach, that there is something special about chametz tastes inside vessels because one will not eat it or it is not accessible, foods which absorbed chametz tastes should be subject to bal yeira'eh and bal yimatzei. This subject is debated by the Chok Yaakov and the Olat Shabbat. The Mishnah Berurah is lenient and the Chazon Ish is unsure if one should be lenient.

Achila Gasa- When More Is Not Better

JOSHUA SKOOTSKY

The Gemara (Pesachim 107a-b) rules that on erev Pesach one may not eat too soon before the seder. The Gemara presents two options for the starting point of the prohibition to eat food, either mincha ketana or mincha gedola. The latter option of mincha ketana, which is close to nightfall, is linked to the performance of the mitzvah of eating matzah, so that one will not be "too full." Rashi (Pesachim 107b, s.v. u'mishum matzah) writes that this means that one should ideally have a large appetite while eating matzah. Rabbeinu David (Pesachim 98b, s.v. samuch l'mincha) disagrees, and says the problem with eating while overly full is that one will not fulfill the mitzvah at all, since such an act is not considered "eating."

The source of Rabbeinu David's contention that eating when full is not considered eating is Yoma 60b. However, Tosfot (Pesachim 107b, s.v. dilma ati) quote this and defend Rashi by citing a Gemara in Nazir 23a, which quotes Reish Lakish as saying that one who eats the Pascal sacrifice while full has still fulfilled the mitzvah. This leads Rabbeinu Tam to suggest that if one is extremely full, he has not fulfilled the mitzvah at all, while if one is moderately full, he has still fulfilled the mitzvah. Rabbeinu David, then, must have been concerned that one will become extremely full. Rashi, in contrast, was not worried that one would become so full simply by eating on erev Pesach.

I believe it is possible to answer Rabbeinu David's question on Rashi in a different way, based on the Gemara in Yoma (60b): "Reish Lakish says, 'One who eats while excessively full on Yom Kippur is not liable.' What is the reason? The verse says, 'He who is not afflicted [on this day will be cut off]' (Vayikra 23:29) This excludes one who inflicts pain." Rashi (Yoma 60b, s.v. prat l'mazik) explains: "This person does not in any way negate 'affliction' by his eating, since he is only destroying food and hurting himself." In other words, the fact that excessive eating is not considered eating is learned from the particular verses relating the prohibition of consuming food on Yom Kippur, and may apply only to Yom Kippur, not to other cases.

The distinct nature of Yom Kippur is also reflected in the amounts of eating and drinking that are prohibited on a Torah level. Generally, a kezayit (olive's bulk) is used to measure eating. However, on Yom Kippur, a larger amount, a kakotevet (date's bulk), is used. Is eating an olive's bulk considered an act of eating the entire year, while on Yom Kippur it is rendered not an act of eating? This appears impossible; rather, the different shiurim of eating on Yom Kippur as compared to the rest of the year reflect its distinct nature, that its prohibition is not fundamentally based on the action of eating, but on the requirement to self-afflict. Theoretically, then, one may eat on Yom Kippur, but it is forbidden to feel physical satisfaction!

This would explain why Rambam mentions the exemption of eating while too full in the laws of Yom Kippur (Shevitat Asor, 2:7) but not in the more general Laws of Forbidden Foods (Ma'achalot Asurot). In the rest of the Torah, we define eating by the action of eating. This does not depend on how full one is; the fact that food is being eaten itself is enough for someone to fulfill his obligations or violate a commandment. But on Yom Kippur, how the food makes us feel is relevant, and if someone is so full that further eating is harmful, they do not violate the pro-

hibition against afflictive eating on Yom Kippur.

We can now answer Rabbeinu David's question on Rashi. Rabbeinu David assumed that what was true regarding Yom Kippur would be true for the rest of the Torah: since one is full, their eating is not considered eating. But Rashi and the Rambam disagree, and are of the opinion that eating while full, in contexts other than Yom Kippur, is still considered eating; though it is distasteful and uncivilized, a person who does so can still fulfill commandments or transgress prohibitions.

Renting a House for Pesach

ELI WAGNER

Recently, many families have opted to vacation and leave their homes for Pesach. While away, these families may rent out their house or apartment to another Jew. Are these individuals obligated to perform bedikat chametz even though they will not be home over Pesach or have they absolved themselves of the obligation? The opposite question also arises. If a person rents a house from a fellow Jew for Pesach, is the obligation to perform bedikat chametz placed on the owner of the house or is the obligation incumbent upon the renter?

The Gemara in Pesachim (4a) addresses this question. The Gemara asks: if a person rents out his house on the 14th day of Nissan (the eve of Pesach), is the owner or the renter obligated in bedikat chametz? (The Gemara assumes that we are only in doubt if the transaction took place on the 14th which is when the obligation for bedikat chametz begins. If the transaction took place prior to the 14th, it would be obvious that the renter is charged with bedikat chametz.) The Gemara concludes that it depends on when the keys of the house or apartment were handed over to the renter. If the keys were handed over before the 14th, then the renter would be obligated. However, if the transfer of keys took place on the 14th then the owner would be obligated in bedikat chametz.

At first glance, the Gemara's question is difficult to understand in light of the various reasons given as to why one is obligated in bedikat chametz. There is a machloket between Rashi and Tosfot (2a) as to what the purpose of bedikat chametz is. According to Rashi, the purpose of bedikat chametz is to avoid violating the prohibitions of bal yeira'eh and bal yimatzei. Tosfot argue, because the Gemara (6b) requires one to perform bittul chametz in addition to bedikat chametz, and since bittul chametz

would adequately address the issue of bal yeira'eh and bal yimatzei, it must be that there is another reason for bedikat chametz. Therefore, Tosfot posit that the purpose for bedikat chametz is because Chazal were nervous that if chametz was left in one's house over Pesach, someone might inadvertently eat it. Hence, Chazal required bedikat chametz to avoid an inadvertent consumption of chametz on Pesach.

According to Rashi, who thinks the reason for bedikat chametz is to avoid the issue of bal yeira'eh and bal yimatzei, it should be obvious that in the situation of a rented house, the owner should be obligated to perform bedikat chametz, since he will be the one violating bal yeira'eh and bal yimatzei. According to Tosfot, who think the purpose of bedikat chametz is to avoid accidental consumption, it would appear that the renter should be obligated, since only the renter might come to eat the chametz. Hence, either way one understands the nature of bedikat chametz, the Gemara's question regarding the rented house is difficult to comprehend.

The Maharshal answers for Rashi that the bedikat chametz of the rented house is redundant on a Torah level and therefore is only rabbinic in nature (since bittul chametz was already performed). Therefore, the Gemara's question is simply whom did the rabbis obligate in this specific bedikat chametz d'rabanen. Although Rashi at times does indicate that this bedikat chametz is d'rabanen, he does not do so consistently, rendering the Maharshal's interpretation problematic. Hence, it would appear that the Gemara's question assumed that the bedikat chametz of a rented house was of Torah origin, not just rabbinic.

Rav Elchanan Wasserman (Koveitz Shiurim Pesachim 7, based on the Bei'ur HaGr"a 447:12) explains that one

can violate bal yeir'eh and bal yimatzei with the chametz of another Jew. Therefore, the Gemara is asking that since both the renter and owner will equally violate bal yeir'eh and bal yimatzei, which individual is obligated in preventing the violations from happening: the owner of the chametz, or renter of the house?

A proof that Rashi holds that one can violate bal yeir'eh and bal yimatzei due to chametz of another Jew can be seen from the Gemara on 5b. The Gemara interprets the pasuk "V'lo yeir'eh lecha chametz" as "Shelcha ih ata ro'eh aval ata ro'eh shel acheirim," meaning that one does not violate bal yeir'eh due to "another" person's chametz. Rashi explains that "another" means a non-Jew. Clearly, only chametz of a non-Jew would not lead to a violation of bal yeir'eh. However, chametz of another Jew would

constitute a violation of the prohibition.

Rav Elchanan also clarifies the question of the Gemara according to Tosfot. Rav Elchanan explains even though the purpose of bedikat chametz according to Tosfot is so one does not come to eat chametz on Pesach (and therefore it should be obvious that the renter should be obligated, not the owner), since the transaction took place on the 14th and therefore the owner was already obligated in bedikat chametz, the Gemara wants to know if the owner has the ability to uproot his obligation. Therefore the Gemara's question in the case of the rented house is: do we say that the owner is obligated since once he became obligated he must satisfy his obligation, or is only the renter obligated since the reason behind the obligation is only applicable to him.

The YU Ethicist

Is There a Jewish Fiscal Cliff?

ELCHANAN POUPKO

One of the most widely discussed issues in contemporary American politics is the issue of national debt and the fiscal cliff. The significance of debt and financial liability is significant not only in the public arena but in the personal sphere as well. The average credit card debt in the U.S, as of March 2013, stands at \$7,122, with the average household debt at \$15,266. Astoundingly, student loans average at \$32,559. These figures and others help us understand why the discussion of debt is so prevalent in the public sphere. Furthermore, this topic holds moral import because the way a person handles their finances reflects not only on their practical and realistic abilities, but on their ethical decisions as well.

Judaism, as a religion that regulates not only ritual, but social, economic, and interpersonal relationships, can serve as a robust source of inspiration and guidance on this matter.

One of the most prominent themes in the Torah is the obligation to care and be responsible for the wellbeing of one another. In addition to the obligation to give charity and sustain the poor, there is a distinct obligation to lend money to a person in need (Shemot 22:24, Shulchan Aruch CM 97:1. Cf. Gittin 36a). This obligation is compounded by a severe prohibition against taking any inter-

est on loans, a prohibition known as Ribbit (see Vayikra 25:36 and Devarim 23:21). Thus, the Torah not only obligates us to lend money to a person in need, but it also forbids us from gaining any profit from such a loan. So great is this mitzvah of lending someone money in their time of need that the Rambam tells us it is greater than the mitzvah of tzedakah, giving charity itself, as it allows the person in need to regain their financial stability in a dignified and respectable way (Rambam Matnot Aniyim 10:7). The Torah further emphasizes this path of care and kindness with the biblical obligation of shmitah, which includes the annulment and dismissal of all loans in the seventh year (Devarim 15:2).

These sources all indicate a strong imperative for sharing our means with others who are less fortunate.

Still, there is another side to the story. In a sharp and unequivocal way, the Mishnah in Pirkei Avot (2:14) tells us:

What is a wicked way from which one should distance himself? ... Rabi Shimon says: he who borrows and does not pay; one who borrows from his friend is [equal to] one who borrows from the Almighty Himself, as the verse says (Tehillim 37:21), 'a wicked borrower does not pay and a righteous one graces and gives'.

A loan from one's fellow should be taken as seriously as a loan from Hashem, and the failure to return that loan is seen as a moral failure, an obligation to Hashem Himself left unpaid. This moral imperative is anchored not only in Jewish thought, but in Halacha as well. The Shulchan Arukh (*ibid.* 4; see Sma *ibid.* 5), while outlining the obligation to lend money to a person in a time of need, emphasizes that if the lender knows that the borrower is unlikely to return the loan there is no obligation to lend. Furthermore, says the Shulchan Aruch, once a person has borrowed money from someone else, they may not spend that money for something that is not a necessity. The borrower must exercise moral judgment and give repayment of the loan precedence over acquisition of luxury. Any spending that is not absolutely necessary should wait until after the loan is fully repaid. Furthermore, says the Sefer Chassidim (no. 454, cited by Pitchei Choshen, *dinei halva'ah* 2:14), a person who has borrowed money out of need must be careful not to give tzedakah as they are accustomed to; the borrower's intellectual, physical, and moral resources must be dedicated to insuring the full repayment of the loan. Any spending, even and especially religious spending, must be subject to meticulous scru-

tiny and should not take place until the lender receives his money back in full. A borrower should take his loan with full seriousness, and should plan to return that loan. The great Rabbi of Gur, the Imrei Emet, was known for telling his Chassidim "If you do not have, then do not borrow;" the Rabbi was telling them that a loan can only be what it is meant to be, money given at a certain period of time and returned at its conclusion. Any other act of taking is no longer a loan. The Chazon Ish, in his collection of letters, urges his student to avoid taking a loan of any form so as to distance themselves from something that has the potential of catalyzing a negative character trait.

The Jewish social, fiscal, and interpersonal system puts compassion, charity, and care for others at the highest priority level. The care, concern, and dedication we must show to others in times of need is unquestionable and uncompromising, and has been carried out so beautifully by Jews throughout history. At the same time, these obligations cannot be effective without a high level of moral commitment and personal integrity on the part of those who are at the receiving end of that kindness. Such a mirrored integrity and uprightness is the only way to become the noble society that the Torah intends for us to be.

From the Masechta

The Noble Lie in Halacha

SHLOMO ZUCKIER

The Torah tells us to avoid lies – "*Midevar sheker tirchak*" (Shemot 23:7) – but Chazal in two major discussions note several exceptions to this general rule. What considerations can be of such import as to supersede the lofty value of *emet*? We will explore the various outliers in an attempt to discern which values can, at times, override that of truth, which is described as being God's seal itself (Shabbat 55a, Yoma 64a)!

One sugya regarding lying, appearing in Ketubot 17a, revolves around the question of whether one should tell an ugly bride that she is beautiful (Beit Hillel) or the truth (Beit Shammai); the former opinion is founded upon the belief that one may lie for achieving peace (*meshanin mipnei hashalom*). Much has been written on this subject, but we will avoid entering it in detail here.

Within our Masechta, the Gemara 23b-24a gives three

exceptional cases in which talmidei chachamim may lie: Masechta, Puraya, and Ushpiza. (Technically, the Gemara means that they do (empirically) lie; however, since the implication is that lying about these matters does not impinge on one's high level of trustworthiness as a talmid chacham, it appears that it is permitted to lie in such a manner. Multiple Rishonim make this exact assumption.) The meaning of each of these terms is disputed, and the relevant discussion among the Rishonim and Acharonim defining these rule-bending cases sheds light on Chazal's understanding of the Torah's value system.

Rashi explains each of these three categories as relating to a certain middah, or character trait. He understands that a scholar who has mastered great amounts of learning may lie about what tractates he has studied in order to humbly downplay his accomplishments. Lying

about beds allows one exemplifying the virtue of modesty to avoid questions touching upon one's marital relations. (This concept of *modesty* is carried over by Rambam (Gezeilah V'Aveidah 14:13) to the case of Masechta as well. He understands the case to mean that if one is studying Niddah and is asked what he is learning but does not feel the topic is appropriate for the audience, that person may lie and give the name of a different Masechta.) Finally, Rashi calls lying about guests a middah tova, as one considerately describes his positive guest experiences in an understated manner so that the host's hospitality is not "punished" by future visitors clamoring for a comfortable room and board. Rashi thus groups these three scenarios where lying is proper under the rubric of upright character traits of the liar. Rashi's language, both in his use of the term "yomar" imploring the scholar to lie, and the fact that he describes the lying scenario as one exemplifying these traits, implies that there is no compromise in our case: lying is the proper expression of one's middot in these cases. Thus, one's moral comportment with regard to humility, modesty, and concern for others trumps the competing moral issue of lying; in other words, if one considers ethical issues alone, these three values override that of truth-telling.

Me'iri introduces alternate readings to the cases in a manner that exemplifies his vision of the noble lie. He understands the exception of Masechta to mean that a rabbi can lie by claiming that he hasn't learned a certain area though he has, in fact, learned it, if he is worried his responses to questions on that topic will be less than satisfactory. This is almost the polar opposite of Rashi's reading: In Me'iri's understanding, the scholar's goal is not to convince people he knows *less* than he knows, but to convey that he knows *more* than he does in actuality. Me'iri's alternative interpretation of Ushpiza goes in a similar direction. He sees that line as permitting Torah scholars to lie to their host and say that an unsatisfactory meal was, rather, a sumptuous one, in the interests of not hurting the host. These alternate explanations to the two cases find a common denominator: they each allow for prevarication not in order to exercise a different middah but in order to soften someone's confrontation with uncomfortable truths. (It is possible to see this principle expressed in his understanding of Puraya, as well: the embarrass-

ment of exposing one's failure to avoid a re'iyat keru can override the prohibition on lying.) In other words, unlike Rashi, Me'iri sees this Gemara as teaching us not that one personal middah trumps another, but that, in cases where people will be hurt, we limit the middah of truth-telling itself and favor non-middot considerations by telling a lie. We insist on telling the truth only in cases where the truth does not hurt. However, when someone (either the talmid chacham himself or his hosting counterpart) stands to be embarrassed by the truth, we no longer see it as having overriding value. To put this argument in "lom-dish" terms, I would say that Rashi sees midvar sheker tirchak as hutra in the context of other middah-related concerns, while Me'iri thinks that the value of telling the truth as dechuya in the face of hurting someone's feelings. Additionally, it is possible to see Me'iri here as carrying over the category of meshanin mipnei hashalom from Ketubot to our cases.

We find Maharsha introducing yet other readings of the cases at hand. His understanding of Puraya is radically different than that of the Rishonim preceding him: He sees the phrase as meaning not "bed," but "Purim!" Thus, a scholar is allowed to lie and claim that he was drunk to the extreme point of ad d'lo yada though this was not the case. Regarding hosts, one is allowed to lie about where they stayed so that reports of the host's opulence do not expose them to potential robbery. These two interpretations have a common theme, as well: Maharsha understands the value of truth-telling to be trumped when there are concerns for protecting someone's safety – either by enabling one to avoid dangerous drinking or in not facilitating targeted home robbery. Thus, if lying affords one significant increased security, either in terms of personal health or protecting someone's possessions, such prevarication is licensed.

Through the prism of this sugya, we are able to see three distinct approaches to what can override the prohibition against lying: either certain middot (such as humility, modesty, and care for others) are seen as more important than that of truth-telling; or truth-telling is only a positive value insofar as it does not hurt people's sense of self-worth; or truth is important, but not more important than ensuring one's safety.

Niddah: Then and Now

EPHRAIM METH

The institution of niddah is ancient. Ramban (Bereishit 31:35) writes that “Niddot in ancient days were pariahs ... they would not approach people, or talk with them, since the ancients knew with their great wisdom that their breath is harmful, and their gaze has harmful consequences, as the philosophers explained.” Based on this, he cites a braita that one should not greet a niddah, walk behind a niddah, walk in the footsteps of a niddah, or benefit from a niddah’s handiwork. Moreover, the Chatham Sofer cites an opinion that kohanim should not recite the priestly blessing in the same house as a niddah.

R. Shmuel Vosner (Shiurei Sheivet HaLevi, p. 2) notes that neither of these rulings was accepted by traditional halachic authorities. Although ancient Jews may have adopted these practices in pursuit of personal purity, they were never codified into law. Moreover, although in ancient times people were susceptible to the harmful effects of a niddah’s gaze, nowadays we are no longer susceptible. Alternately, although contemporary people are still potentially susceptible, Hashem protects us from this harm, just as He protects everyone who engages in harmful practices that people are generally not careful about.

Hence, R. Vosner identifies two distinct characteristics of niddot. The first, concern that they will harm others, gave rise to non-halachic practices and has changed nowadays due to our lack of susceptibility. The second, the inherent characteristics that once upon a time harmed people, independently may contribute to other, halachically binding and still accepted laws of niddah. For instance, these inherent characteristics may be connected to the prohibition to be intimate with a niddah or the prohibition against niddot entering the Beit HaMikdash or touching or eating trumah (assuming it is not biblically

applicable nowadays) or korbanot.

The Rambam (Moreh Nevuchim, 3:47 and 3:49) notes that “A niddah may perform for her husband all services that a woman performs for her husband.” Hence, he dismisses the practices ascribed by Ramban to “the ancients with their great wisdom” as antithetical to the Torah’s spirit. However, he is somewhat contradictory in describing why the niddah is forbidden, alternately writing that “The reason for the prohibition against intimacy with a niddah and with a married woman is self-evident, and we need not go on a quest for its reason” and that “Issues concerning purity and impurity should only relate to the Mikdash, and should not interfere with a person’s ordinary business.”

The Rambam’s former citation, which links intimacy with a niddah to adultery, differs dramatically from the latter citation, which links the prohibition against intimacy to the prohibition against entering the Mikdash. (Incidentally, according to this latter formulation, abstention from intimacy with a niddah is one of the few Mikdash-related laws that we can biblically fulfill in the Mikdash’s absence.)

These two approaches to categorizing the niddah’s prohibition against intimacy give rise to radically different halachic rulings. For instance, the Beit Yosef (YD 195) holds that intimacy with a niddah is *yeihareig v’al ya’avor*, just like adultery. In contrast, many halachic authorities maintain that such intimacy is not *yeihareig v’al ya’avor*. Similarly, the Shev Shemaiteta (1:12) cites a dispute about whether we may be lenient concerning a *sfeik sfeika* regarding niddut, as we would for *sfeik sfeikot* concerning *arayot*, or whether we must be stringent, as we would for *sfeik sfeikot* concerning laws of purity.

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