



## Halacha Highlight

### Allowing a woman who is a niddah to daven

ואמר עולא מה טעם הואיל והותרה לצרעתו הותר לקרוי

*And Ulla said: What is the reason this is permitted? Since we allow the metzora to enter the Courtyard despite his taraas we also allow him to enter despite his seminal emission.*

Rema<sup>1</sup> mentions different customs concerning the issue of whether women who are menstruating enter shul and daven. He adds, however, that even according to the strict position it is permitted for women who are menstruating to enter shul on Rosh Hashanah and Yom Kippur. Rav Avrohom Avli Gombiner<sup>2</sup>, the Magen Avrohom, adds that since they are permitted to enter shul they are also permitted to daven. The rationale for this ruling is based on Ulla's statement in our Gemara, namely, once we override one prohibition we can override others as well. Rav Moshe Sofer<sup>3</sup>, the Chasam Sofer challenges the parallel. The case of the Gemara involves two different prohibitions; both a metzora and one who experienced a seminal emission are prohibited from entering the Courtyard, but there is only one act of entering into the Courtyard. Consequently it is understood that since we override the restriction against entering the courtyard for the metzora we override a second prohibition, one who experienced a seminal emission, with the same act. In the case of Magen Avrohom, on the other hand, entering the shul and davening are two different activities. Our Gemara does not indicate that once one prohibited activity is permitted a second activity will also be permitted. Rav Yosef Chaim of Baghdad<sup>4</sup>, the Ben Ish Chai, suggests an answer to Chasam Sofer's challenge. He writes that the same prohibition, the tumah of being a niddah, restricts a menstruating woman from entering the shul and restricts her from davening. Therefore, once that restriction is lifted, to allow her to attend shul on Rosh Hashanah and Yom Kippur, she is also permitted to daven since she is davening in the same place at the same time she is permitted to sit there. Rav Ovadiah Yosef<sup>5</sup> cites an alternative resolution to Chasam Sofer's challenge. The reason to permit menstruating women into shul on Rosh Hashanah and Yom Kippur is that they would be embarrassed and saddened if they were barred from entering shul when everyone else is there. Along the same lines if they were restricted from davening when everyone else was davening there would be the same concern, therefore, once they are permitted to enter shul they are permitted to daven there as well.

1. רמא אורח סי' פח סעי' א'

2. מג"א שם סק"ג

3. הגהותיו לשו"ע שם וע"ע בשו"ת חת"ס אורח סי' ס"ה

4. שו"ת רב פעלים אורח ח"א סי' כ"ג

5. שו"ת יביע אומר ח"ז י"ד סי' מ"א

## Mussar from the Daf

### Don't Ruin it for Yourself

In Tosafos (ד"ה שנאמר) he brings two reasons why a Kohen that murdered cannot duchin. In his second reason, Tosafos explains that אין קטיגור נעשה סניגור ("the prosecutor cannot be the defense attorney"). In other words, having used his hands to kill he cannot use them to dispense Birchas Kohanim. The Chida א"ת א"ן סימן ע"ט asks why that principle should apply here. The Gemara in Rosh Hoshnah כ"ו דף כ"ו states that the principle of אין קטיגור נעשה סניגור is only relevant in the Kodesh Hakadoshim. The Chida answers that when the aveira is done with one's hands (such as with the Kohen-murderer) then the issur applies even outside of the Kodesh Hakadoshim; however, when it is simply an object in question (the golden garments), then it is only a problem in that special location of the Kodesh Hakadoshim. We see from here that when one uses his body to do something inappropriate, besides for the potential destruction the act may cause, the person is also limiting the good that he could be potentially achieving with that same limb. If we internalize this message it will hopefully serve as an additional disincentive to refrain from the problematic act. Someone speaking lashon hora may be impacted in his ability to daven or share kind words with others. One who gazes at compromising material may struggle to see and understand words of Torah. And using our legs to transport us to unsavory destinations may inhibit us from success in running to perform the many mitzvos waiting for our performance.

### Point to Ponder

The Gemara discusses the Halacha of a Kohen who is wanted for a capital crime who tries to escape by going to do the Avoda in the Bais Hamikdash. Rashi explains that if he is already on the Mizbeach we let him finish, but if he is next to it and only about to start we remove him. Since we do not remove someone who is already engaged in Avoda, it would appear that execution by Beis Din does not supersede Avoda how can we learn a Kal V'Chomer that execution by Beis Din should supersede Shabbos?

### Response to last week's Point to Ponder

When one picks up a lost item his Mitzvah isn't done until he delivers the item to its rightful owner. How can we say that the Mitzvah of returning a lost object should supersede the prohibition against a Kohen becoming Tame'ai, they are not happening at the same time? If someone was entrusted to watch an item on behalf of the owner, it is considered to be in the owner's possession when it's by the shomer (custodian). Assuming that the Kohen shomer lost the item and he now finds it in the cemetery, the Mitzvah is fulfilled as soon as the shomer has it in HIS possession. (See Rabbi Akiva Eiger).

ר' יוסף שמואל שמעלקא בר' יצחק מערמלשטיין ז"ל Shelly Mermelstien לע"נ Yevamos has been dedicated in

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